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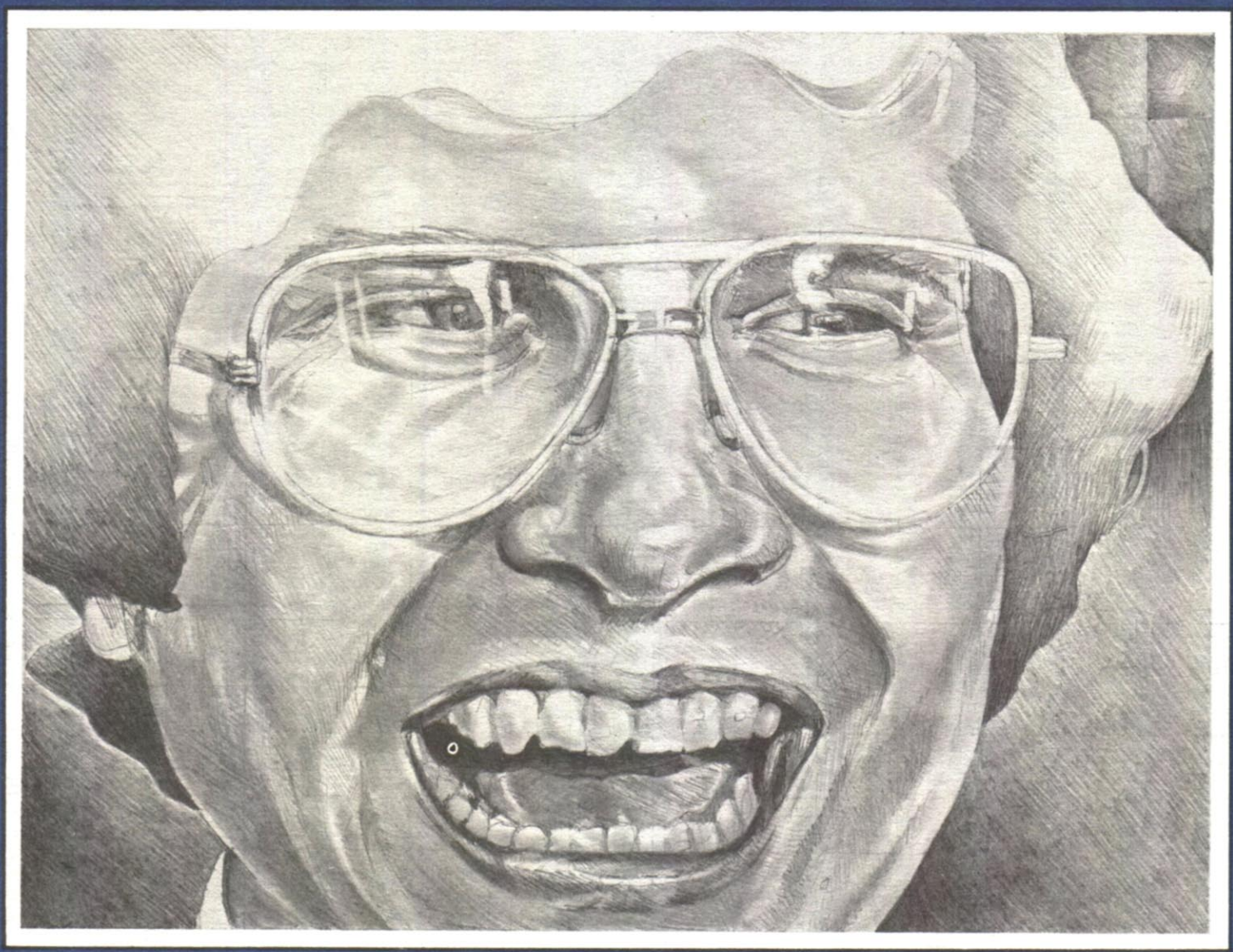
# California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

## The Expanding Power of SMOG BOSS Tom Quinn



## The state's hot debate over LNG safety

## Labor and Brown: marriage on the rocks?

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# A PERSONAL PERSPECTIVE . . .

By Ed Salzman

## *The 'placebo theory'*

Every year, it seems, some bill surfaces unexpectedly to become one of the most emotion-generating issues before the Legislature. This year the subject is death, and not the conflict over capital punishment — an oft-debated issue that produces more political intrigue than real heat. Instead, the sleeper bill of 1977 involves cancer, specifically Senator Bill Campbell's proposal to legalize the use of laetrile in California.

Almost overnight, proponents of laetrile have turned the political tide across the country. If they win, individuals afflicted with cancer will no longer be forced to leave the country to obtain the apricot-pit derivative legally. All they will need is a doctor willing to prescribe it — and there are some physicians who dissent from the majority view that laetrile is useless and might even be harmful if it induces patients not to seek alternative treatment.

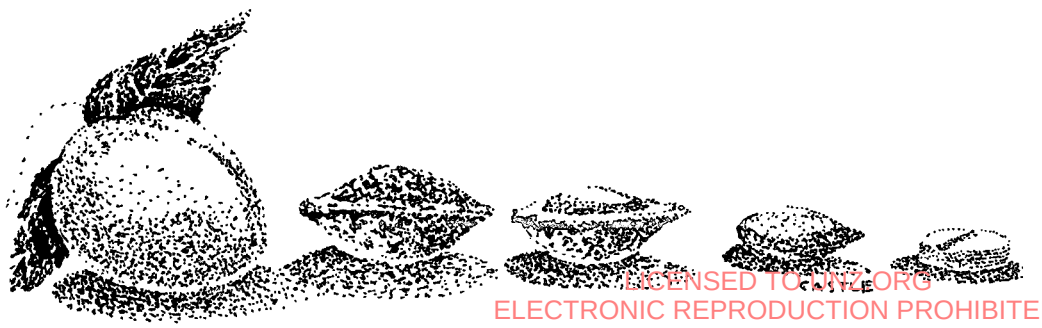
Legislators recognize that they cannot resolve the question of laetrile's effectiveness in treating some forms of cancer. But the state Senate passed Campbell's bill under the so-called placebo theory: If the cancer victim feels better because he or she is taking laetrile, why not allow these unfortunate people to take it whether or not it has any physical effect?

In the case of laetrile, this argument carries political weight because there is no loss to society if these individuals elect to try the drug. Precisely the same argument has been made for many years by those who feel that such victimless crimes as gambling, prostitution and even use of hard narcotics should be decriminalized. The Legislature has not acted in those arenas because there are too many hungry lions who oppose the libertarian view.

But an even bigger problem is being skirted in the laetrile debate — the fact that passage of Campbell's bill will probably have little or no effect on stopping cancer. A former legislative staffer, Larry Agran, has just written a book, *The Cancer Connection*, describing in detail the environmental causes of cancer. His statistics may be off, but there is convincing proof that cancer is largely a man-made disease and that the cure for cancer is fundamentally a political rather than a biological problem.

The decision to curb such agents as alcohol, tobacco, certain pesticides, birth-control pills and some industrial pollutants is within the power of government officials. "The dismal failure of political leadership has produced a national cancer epidemic and, indeed, a national cancer scandal," according to Agran.

How many lawmakers would have the guts to impose the lifestyle dislocations necessary to eliminate most of the man-made sources of cancer? To most politicians, the cure — carrying the specter of defeat at the polls — would be much worse than the disease.





# California Journal

THE MONTHLY ANALYSIS
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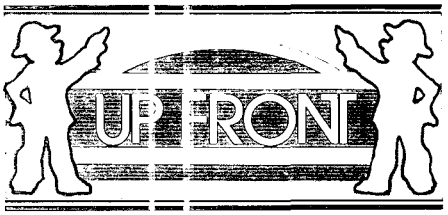


**In case you missed it,** *New West* magazine carried this item:

Political chutzpah award of the year goes to San Jose mayor Janet Gray Hayes, who was meeting with Jerry Brown and others when a photographer arrived. The conversation:

Hayes: I bet you hate to have your picture taken.

Brown: Why?

Hayes: Because your teeth are so crooked.

**Ralph Ochoa,** aide to Assembly Speaker Leo T. McCarthy, apparently is tired of waiting for Assemblyman Jack Fenton to be appointed to a judgeship. Ochoa would prefer to run for the seat now held by Democrat Richard Alatorre, and there is a move afoot to maneuver Senator Alex Garcia out of the Upper House (via an executive appointment) so that Alatorre can grab Garcia's slot.

**Governor Brown's** appointments to the Native American Heritage Commission can hardly be called political. Five of the nine appointees aren't even registered to vote. (Of the remaining four, the only Republican is Milton Marks of McKinleyville, no relation to the state Senator.)

**Secretary of State** March Fong Eu insists on VIP treatment from airlines operating in California. After all, she is the state's chief of protocol.

**Low-ranking employees** at the University of California at Berkeley are protesting a new parking proposal that discriminates on basis of salary. This means that those in the lowest brackets, mostly women, will have to park far from campus. This looks like a ready-made issue for a Regent who has sought to eliminate elitism in state employment — Jerry Brown.

**Senator S. I. Hayakawa** is a key figure in the efforts of the KMPX Listeners Guild to prevent the Federal Communications Commission from approving a proposal that will take the San Francisco FM station off the air. Hayakawa claims that KMPX, which has a jazz-and-big band format, is the only station he can find to provide him with tap-dancing music.

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# Liquified natural gas safety, the state's latest energy conflict

*By JOHN BALZAR*

Natural gas, super-chilled to minus 259 degrees Fahrenheit, condenses into a liquid and collapses to 1/600th its normal volume. In this frigid state, it is possible to transport massive quantities of natural gas across oceans in tankers, much like giant thermos bottles. Chilled at one end, shipped and then regassified: This is liquified natural gas — LNG — the focus of California's newest energy debate.

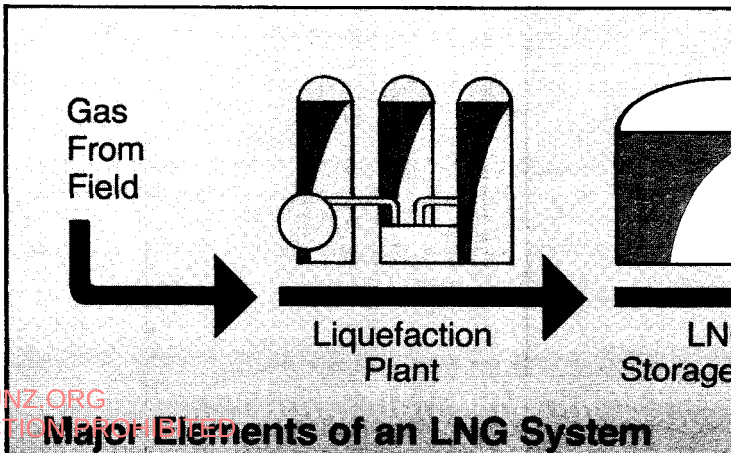
Expensive and potentially dangerous, LNG nevertheless is vaunted by California's biggest utilities as the only reasonable hope of keeping natural gas pipelines operating at full pace in a state that relies heavily on the clean-burning fuel to meet air pollution standards. California is the nation's second highest natural gas-consuming state, behind Texas, gulping 4.5 billion cubic feet in home appliances and factories on an average day. The state also is a gas importer. It relies on pipeline supplies from the Southwest and Canada for 89 percent of its gas. And these supplies are dwindling. Shipments from El Paso Natural Gas Company, the major supplier for Southern California, are dwindling at the rate of five percent a year. Canadian gas, piped into Northern California, is holding steady at contract levels, but attempts to increase the supplies have been rebuffed by the Canadian government and current contracts begin expiring in October 1985. Chances for their renewal are slim.

So, back in the late 1960s the Southern California Gas Company, a subsidiary of Pacific Lighting Corporation, began looking across vast distances for replenishment supplies, first to Alaska and then to Indonesia. Thus began California's commitment to LNG as a means of transporting gas. In May of 1972, Pacific Lighting formed a subsidiary called Pacific Alaska LNG Company. Soon, the parent company expanded its horizons and decided that one LNG terminal would not be enough. Another paper subsidiary was formed on August 16, 1974, called Western LNG Terminal Company. It was to be an umbrella firm, and under its name an application was filed with the Federal Power Commission in September, 1974, to begin environmental studies for three LNG terminals in Southern California. The first, called the Pacific Alaska Project, was to be located at Terminal Island in Los Angeles Harbor, receiving 400 million cubic feet of gas per day from the southern gas fields in Alaska. The second, dubbed the Pacific Indonesia Project, was to be constructed up the coast at Oxnard to receive 500 million cubic feet per day from the rich fields of Indonesia. Together, these terminals were designed to supply almost half of the natural gas now used in Southern California. The third terminal was a contingency project, should the federal government decide ultimately on LNG, rather than pipelines, for transporting Arctic gas from the north slope fields of Alaska to the lower 48 states. This third terminal, called the El Paso/Alaska project (because El Paso Natural Gas Company would be the prime contractor with California utilities handling the receipt of the gas), was to be located at Point Conception. It was proposed to receive a massive 2.8 billion cubic feet of gas per day. Huge capital investments and the recognition that natural gas supplies were of statewide concern brought California's other major gas utility into the picture in January 1976. Pacific Gas and Electric Company joined Pacific Lighting in a 50-50 LNG partnership, giving rise to today's Western LNG Terminal Associates.

### Running out of time?

With hardly any public debate, the momentum built for LNG. The utilities say they have already invested $60 million in the project. Only recently has the issue captured the interest and time of the Legislature in Sacramento and Governor Brown. The reason for their concern is the nearly frenzied cry from utilities that California is running out of time to assure itself a reliable natural gas supply before pipelines begin drying up. California already is short of all the gas it would like, but when this shortage will reach crisis proportions is one of the debating points in the LNG controversy. The utilities point to the economic ravages of the past bitterly cold winter in the east and warn that California is headed for an even worse time in the winter of 1980-81 unless new supplies are at hand. They predict massive economic dislocation.

In its 1976 "California Gas Report" to the Public Utilities Commission, Southern California Gas Company concluded that in 1979 there will be no gas in Southern California for any customers who have the alternative of switching to oil




**Major Elements of an LNG System**

*The author is a capitol correspondent for the* San Francisco Chronicle.



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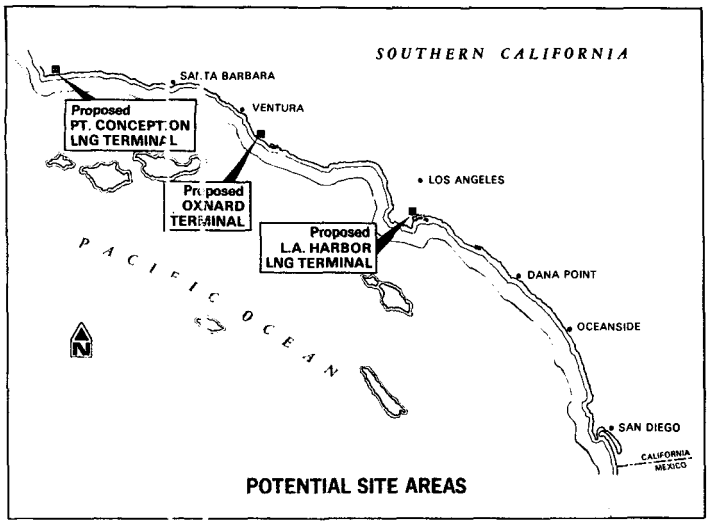


POTENTIAL SITE AREAS

or other fuels. These are priority P2A and P3 customers, ranging from Kaiser Steel to large laundries. By 1981, without new supplies, the company predicts there will be gas available for only about 88 percent of the needs of top-priority P1 customers, the households and small commercial users that cannot switch to other fuels.

These projections are based on average weather. A cold streak could worsen the picture, the utilities say. While the impact of these projected shortages falls most heavily in Southern California, the problem will be spread statewide as Northern California's PG&E is called upon to share its more plentiful gas resources.

In testimony before the Assembly subcommittee on energy, Southern California Gas Company concluded: "This all means, in sum, that without new gas supplies, we face major economic and environmental disaster in California by the winter of 1980-81." Joseph R. Rensch, president of Pacific Lighting, told the Senate Public Utilities, Transit and Energy Committee that 700,000 existing jobs would be endangered in such a shortage, along with more than 100,000 other new jobs the state will need annually for healthy economic growth.

### Date with disaster

Critics, including environmentalist groups such as the Sierra Club and some legislators, question the 1980-81 disaster date. Democratic Assemblyman Terry Goggin of San Bernardino, chairman of the Assembly subcommittee on energy, argues that California can make it through the mid-1980s before supplies drop to the critical stage. And he figures that other potential replenishment supplies, such as natural gas from Mexico or from the federal petroleum reserve at Elk Hills, could stretch that date farther.

Sierra Club legislative lobbyist John Zierold agrees: "We think it's ridiculous to take the gas company's word on this. We shouldn't rush into LNG until there is an analysis and forecast of gas supplies by an independent body." In a white paper issued recently on California LNG, the Sierra Club says, "The major impediment to public debate over the LNG issue has been the lack of a clear and credible forecast of gas supply and demand."

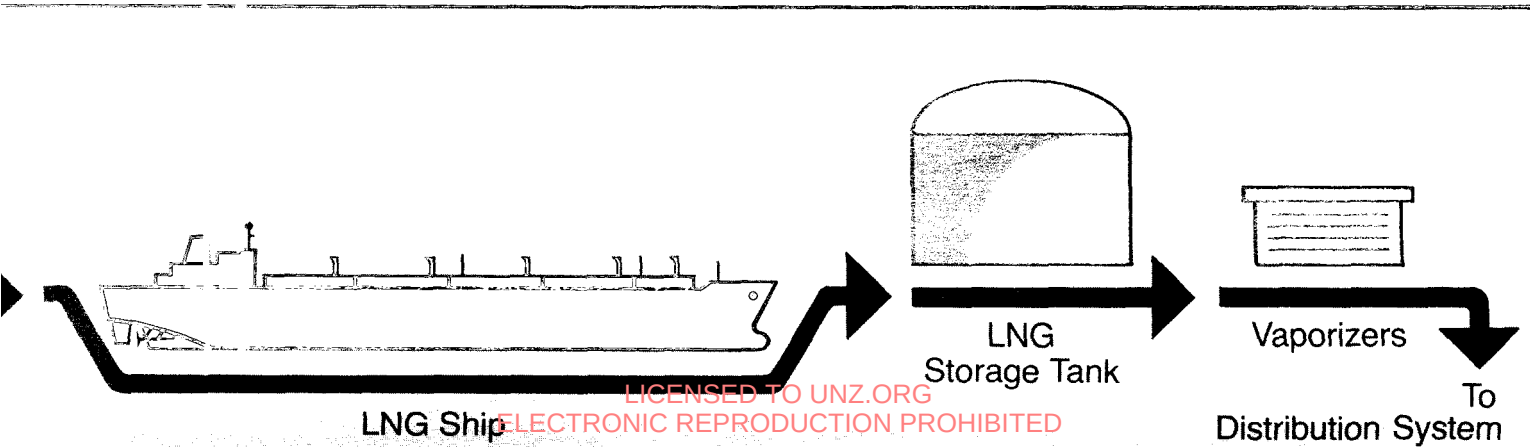
Among the potential alternatives the Sierra Club believes should be considered are the tapping of Elk Hills, maximum use of California gas fields (which are now producing at only one-third to one-half capacity as a sort of rainy-day fund for the utilities), new federal policies to encourage production of synthetic natural gas — SNG — from naphtha, and deregulation of gas prices to encourage more exploration.

The Sierra Club, the Planning and Conservation League and other critics also contend that the massive investment of time, money and executive-level careers has blinded the utilities to the attractiveness of these alternatives. A recent survey by the *Los Angeles Times* lends credence to their contention. The newspaper found that Southern California Gas Company was receiving greater shipments than it had forecast. The newspaper interviewed two middle-level executives who left El Paso Natural Gas Company, and they complained the firm was making only half-hearted exploration efforts at finding new gas in an area with particular promise. The unnamed former executives said El Paso began to reduce its exploration as the result of increasing financial pressure caused by its LNG commitments. Opponents of the project say California is similarly locked into LNG.

The state Public Utilities Commission says it has done an independent forecast and found that the winter of 1980-81 is premature for a panic. Senior gas engineer Don King says even under the coldest conditions, the state can survive "another year or two" before interrupting service to firm customers in the top priority brackets. But this would require PG&E to transfer some of its gas now used by businesses and industries that are supposed to have the ability to use other fuels. Many of these firms, however, say they cannot switch for any length of time, if at all. So the consequences of north-south gas sharing are not fully understood, but could be substantial. More recently, the PUC announced it was launching a second, more thorough survey of gas need. State Energy Commission Chairman Richard Maullin points to several different forecast charts and says the one he finds "most reasonable" shows 1982 as the year when supply begins to fall short of demand by the highest priority gas customers without new supplies. Maullin acknowledges there are possible alternative sources that could put off the need for LNG — alternatives he calls preferable — but he said none can be counted on today to fill the gap. "A bird in hand, no matter what kind, is at least a bird," he says.

### Speed versus safety

What would be the advantage to putting off LNG for another year or perhaps longer? And why is there so much interest in a delay? The answer mostly is safety.

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Western LNG Terminal Associates says it must have government approval for a terminal at one of three proposed Southern California sites by 1978 if construction is to be completed and the facility operating by the 1980-81 winter. The extra time the critics are seeking would allow for evaluation of an alternative site offshore near the Santa Barbara Islands, where the hazards of handling huge quantities of LNG would not threaten populated areas or the undeveloped and scenic Point Conception region.

A 900-foot LNG tanker carries the equivalent energy of a million tons of TNT — 80 times the yield of the atomic bomb that destroyed Hiroshima. It is feared that in an accident — either a tanker collision, an unloading mistake or some other mishap — LNG would escape into a billowing plume that could drift over populated areas and ignite in a catastrophic firestorm.

On October 20th, 1944, liquified natural gas leaked from a storage facility in Cleveland, Ohio, spilling into sewers. It vaporized and caught fire, killing 128 persons, injuring more than 300 and damaging property over a 30-acre area. The amount of the spill was 6,200 cubic meters. The likelihood of a similar disaster occurring with modern LNG equipment — where tankers carry up to 125,000 cubic meters — is hotly disputed. Pacific Lighting's Rensch says that technology has advanced considerably since the pre-jet age. He now calls LNG the "safest petroleum product that can be brought into a harbor."

A study done for Pacific Lighting by Science Applications Incorporated (SAI) of La Jolla — a firm that did risk analysis for the federal government — concluded there was only one chance in 15 million of a fatality within five-eighths of a mile of the proposed Oxnard LNG terminal. The report was criticized, but Pacific Lighting maintains the credibility of the findings and says the only mistake was that utility companies paid for the study. Another study for the city of Oxnard came up with strikingly different conclusions. The Los Angeles consulting firm of Socio-Economic Systems Incorporated (SES) estimated that an LNG tanker collision 4.5 miles offshore and a subsequent fire could kill 70,000 persons and cause $325 million in property damage. If the SES conclusions are extrapolated to the more densely populated region around Terminal Island, the potential loss of lives could reach 100,000.

So far, no full scale tests have been conducted on what happens when gigantic quantities of LNG are released over water. Fire is a possibility everybody agrees upon. But nuclear physicist Edward Teller, for one, does not discount the possibility of a massive explosion. In an appearance before Goggin's energy subcommittee, the scientist theorized that the super-cold vapors from LNG could compress and form a shell around a spill. And fire under compressed conditions can mean an explosion. (LNG in tankers is not compressed.)

### Chance of catastrophe

On the other hand, utilities explain that the 1944 technology of LNG has been vastly refined. The 11 tankers proposed to bring gas from Indonesia and Alaska all will have double hulls and be capable of withstanding a major collision, the utilities say. Storage tanks are surrounded by dikes with a capacity exceeding the tank itself, to prevent the spread of any spill should one occur. The utilities point to LNG storage facilities from Massachusetts to San Diego, and elsewhere around the world, which have been operating for years without disaster.

Western LNG Terminal Associates has shown little interest in pursuing an offshore site to meet the safety concerns of LNG critics. It has not — despite public urging from Governor Brown, Assembly Speaker Leo McCarthy and others — supplemented its applications before the Federal Power Commission with an alternative offshore location. The utility combine said it would take too long to get approval and build such a facility. The utilities commissioned a study by Fairchild Industries that drew a similar conclusion. Fairchild says offshore sites are feasible but could take as long as eight years to get into operation — too late for the 1980-81 winter. The consulting firm says half of the lengthy time would be needed just to secure state and federal government approval. Western LNG Terminals says offshore might be just the right spot to put a second generation terminal. But some state officials, like Goggin, figure that with energy among the top issues of the Carter administration, federal approval could be vastly speeded up, as could the state siting process.

President Carter's new energy plan calls for a policy of remote siting of future LNG import terminals. But in a preliminary analysis of the federal energy plan, the state Energy Commission staff concluded that the remote siting policy probably would not be applied to LNG proposals currently pending before the Federal Power Commission. The staff analysis notes that the FPC recommended to the President that if LNG is chosen as the transport method for Arctic gas, all three terminals — El Paso, Pacific Alaska and Pacific Indonesia — should be located at Oxnard.

### The dollar dilemma

The price of delay could be enormous for California, the utility companies contend. Contracts for Indonesian gas already have been extended pending government action here. They expire again October 6th, and Southern California Gas Company says there is no chance of another long extension. Natural gas from the southern part of Alaska is similarly threatened, the utilities argue, because of competition from other Northwest states, such as Washington, where Governor Dixie Lee Ray has expressed her interest in an LNG terminal. Utility company executives have testified before the Legislature that they fear California's credibility will be strained on the world gas market if existing contracts are lost and the state must begin searching for new supplies.

Then there is the question of cost. Political discussions have recently focused on the problems of LNG from the perspective of the pocketbook. LNG will be costly; no one denies that. The utility company plan calls for a capital investment of slightly over $1.5 billion for the Oxnard and Los Angeles terminals, including the purchase of two LNG tankers. Leasing of nine other tankers would occur later. The costs also would cover a liquification plant in Alaska and feeder pipelines and two gasification terminals in California, with associated storage facilities. Far more important to the economy is the price and stability of the gas supplies. The utilities figure California will become reliant on LNG for up to 20 percent of the state's gas needs by the late 1980s, a large enough portion to have a big effect on all gas prices in the state.

The state Energy Commission has forecast gas prices for the years ahead. From the average price of $1.35 per thousand cubic feet (mcf) today, the commission expects prices to rise to $2.25 mcf by 1980. Then LNG comes into the picture. By 1985, if LNG accounts for 16 percent of the total state gas supply, natural gas will cost $4.16 mcf, the commission figures. This is based on a projected price of $5.44 mcf for foreign LNG and $4.33 mcf for domestic LNG.

Political leaders in the state, including Governor Brown and Speaker McCarthy, are worried that if LNG pushes up the cost of all gas in California, the state may find itself at an economic disadvantage compared to those states that have sufficient supplies without LNG. The California leaders personally asked President Carter to guarantee that gas prices throughout the nation will be equalized and the high-cost burden of LNG shared. Without such assurances, McCarthy


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## The three pivotal LNG issues

Last October, while campaigning in Santa Barbara, Governor Brown voiced doubts about putting a liquified natural gas terminal on the California coast. He said the final decision would be up to regulatory agencies. "But as a private citizen," the Governor continued, "I think that supertankers and their cargoes of LNG could become quite dangerous and have to be evaluated very carefully. It raises serious environmental hazards and I certainly want my administration to look very carefully at it before any steps are made in any part of this state."

Four months later, in February, Brown himself took the first big step. In Los Angeles, he announced his administration would push for an LNG port in California on an expedited basis. He said he wanted a terminal site approved by next January. "There is a consensus that a liquid natural gas facility is needed in the California area," he said.

The Legislature immediately picked up the issue. Assembly Speaker Leo McCarthy called it "one of the five or six most important matters we'll have to decide this year." The pivotal issues the Legislature and Brown set out to decide were these:

**Regulatory agency.** Which among the three state energy-related agencies should be given responsibility for site approval — the Public Utilities Commission, the Coastal Commission or the Energy Commission? Advisers to the Governor lean toward the Coastal Commission, which is charged under existing law with approving one "remote" LNG site. Environmentalists, too, prefer the Coastal Commission. The argument most frequently advanced is this: It would be unwise to undermine the Coastal Commission on one of the first hot issues to come its way since it was made a permanent part of state government this year.

The utilities and organized labor, on the other hand argue for the PUC. Traditionally, utility companies have enjoyed cordial relations with the PUC. They feel familiar with the PUC staff. But most importantly, the utilities know that any court challenge of a PUC decision would go directly to the Supreme Court for a quick decision, while approval of an LNG site by the Coastal Commission could be taken to lower courts. Utility executives testified that they feared protracted litigation in such a case, stalling construction.

**Local control.** Should local agencies have any say, and how much, in a decision to site a potentially dangerous LNG plant near their communities, considering that the benefits are for all Californians? This question put the major players in a position of clear irony. On other issues of similar magnitude in recent years, such as coastal protection, nuclear power-plant siting and others, environmentalists fought to curb the power of local governmental agencies. They wanted final power vested with a state agency. But now, on LNG, environmentalists argue that usurping local permit authority is denial of due process of law. Organized labor, the conservationists' chief antagonist, sang the praises of local government through the battles over coastal protection and others. Now they, too, find themselves in a new position: advocating strong state authority with only a token advisory role for local agencies which they fear might stall a site application.

**Offshore.** The legislative leaders on the LNG issue, Assemblyman Terry Goggin, Speaker McCarthy and Senator Alfred Alquist, joined Governor Brown's top energy advisers in insisting that consideration be given to an offshore site as a safer alternative to the three Southern California coastal sites proposed by the utilities. But one of the widest gulfs in the legislative debate was the degree to which offshore sites should be emphasized. Utility companies argued it would take too long to get approval and to build such an offshore terminal.

said energy from natural gas might cost California businesses and households 20 to 50 percent more than in other states — a prospect he said California might be foolhardy to pursue. The worry is heightened because the availability of LNG in California could tempt the federal government into displacing existing supplies to the state, forcing an even greater dependence on the costly commodity. While the cost issues are negotiated, along with consideration of the feasibility of an offshore facility, McCarthy asked the President for some "interim" assistance with additional gas supplies. McCarthy suggested two sources, the Elk Hills reserve and the Exxon Santa Ynez offshore operation.

At recent meetings with Carter and federal energy adviser James Schlesinger, Brown entered a new element into the discussions. The Governor was worried about federally mandated requirements for industry to convert to coal and oil, which could aggravate smog problems in the South Coast Air Basin. So, he indicated the state might be willing to trade off any reluctance for approving an LNG terminal and an oil tanker terminal in exchange for new federal assurances that Californians would get special consideration to continue burning clean natural gas.

One of the biggest critics of LNG costs is the Sierra Club. In its white paper, the group attacks the reliability of Indonesian gas and the financing method utility companies are seeking to underwrite the project. The Sierra Club, and some others close to the issue, accuse the utilities of seeking tariffs — all-events tariffs — that essentially free investors from risk and shift the burden to rate payers in California "whether they get the gas or not." Moreover, the request proposes a 15 percent rate of return on invested money, more than two percent higher than utility investors currently receive. The Sierra Club questions whether Californians can rely on Indonesia because of the financial condition and instability of Pertamina, the national oil and gas company of that country.

Not unexpectedly, the utility companies challenge most of the accusations about the high cost of LNG. In a March report, Southern California Gas acknowledges that LNG will be expensive compared to today's gas prices. But it asserts that LNG certainly will not be twice as expensive as other gas, and "may be priced competitively with gas from other sources" by the time deliveries start. John A. Sproul, senior vice president of PG&E, responded to charges of unfair tariffs by saying his company expected the financing proposal to undergo revision by state and federal regulators. As a result, he said PG&E expects risk to be assigned to those who put up the money.

The conflict over these issues will not be resolved by state government overnight, and only time will tell whether some years hence — be it 1980 or 1984 — Californians won't have enough to burn because the politicians fiddled.



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# The pressure tactics of smog boss Tom Quinn

By Carla Lazzareschi

Tom Quinn has a vision, or at least he wants to have one. He wants to be able to see the mountains in Southern California during the summer — those same mountains that by noon on most July and August days are shrouded by a thick, brown, eye-irritating haze called smog.

His boss, Governor Jerry Brown, wants the same vision and periodically has called Quinn — who commands the state's fight against air pollution — to tease him about his progress. Quinn's response is to remind the Governor and others that the cleanup is a long-term task and one that is not particularly easy. "The only way to get immediate benefits is to shut down everything," Quinn says. "It's a cure that's worse than the disease."

In the 30 months since Quinn took over the chairmanship of the state's Air Resources Board, though, he has produced his own bitter-pill cure for California's smog: tough vehicle emission standards; limits on sulfur and lead content in gasoline; recalls of autos not measuring up to the state's pollution standards and fines for their manufacturers; and increasing involvement in the regulatory business of local smog control districts which Quinn believes are asleep at their jobs. An important ingredient in this formula is what Quinn's detractors call his verbal pollution: the press releases and off-the-cuff barbs designed to sting, embarrass and accuse industry leaders of not complying with state anti-smog regulations.

### Cleaner and clearer?

Quinn has pushed smog control significantly beyond where it was when he took over, seizing and sometimes creating opportunities to expand the state's (and his) power to clean up the air. The disarming and boyish 33-year-old has chipped away at industry's "can't-be-done" attitude, taken over partial control of industrial polluters from local smog-fighting agencies and let the federal government know that California has the right to refuse projects with national importance if they will further pollute the state's air.

Whether Quinn's tactics and antics will make the air any cleaner is still unknown. Even Quinn — while insistent that

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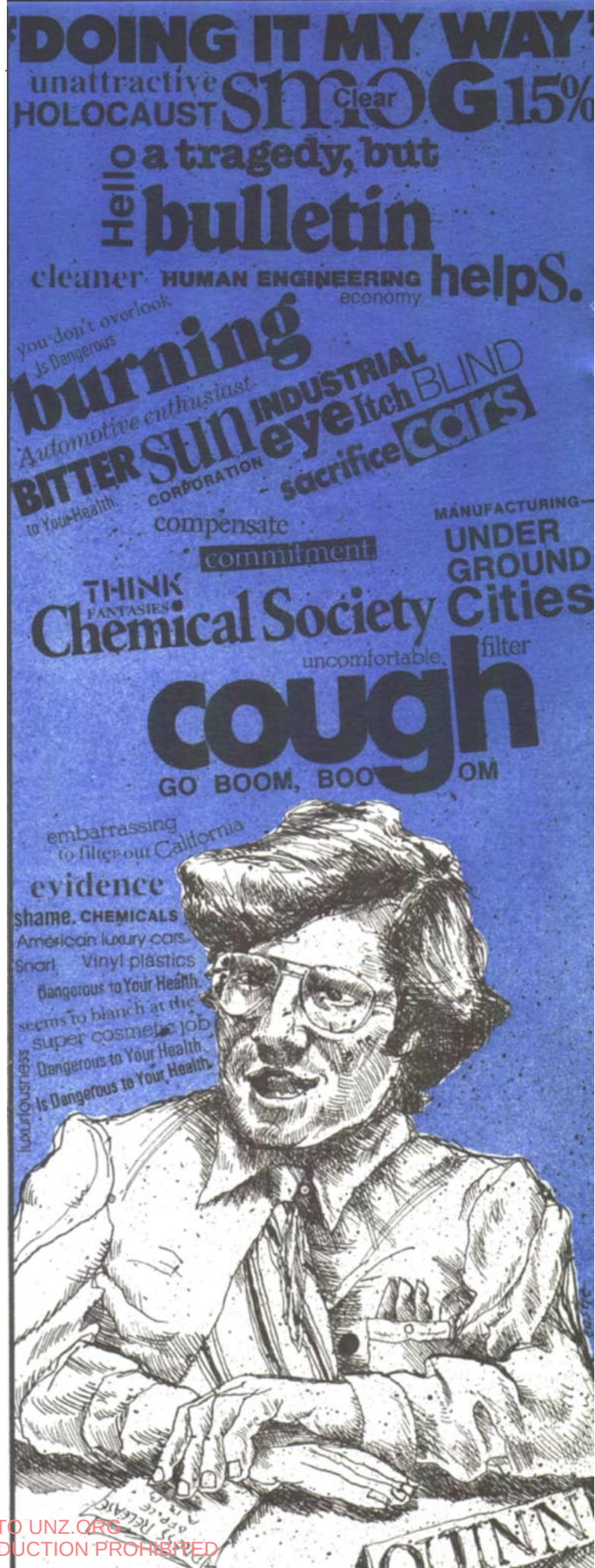
*Carla Lazzareschi is a reporter for the* Riverside Press-Enterprise *and a frequent contributor to the* Journal.



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the state is moving in the right direction — says Californians won't know how well he's doing until near the end of the century, when the full effect of current actions is felt. Even then he says, there are no guarantees that the air will be any cleaner or clearer than it is today. Much will depend on what happens with such projects as the proposed Alaskan oil terminal at Long Beach, new pumping at the Elk Hills Naval Petroleum Reserve and additional oil production off the California coastline, he says. "It may just be that the air will not be as bad as it would have been without our work."

There are some who contend that Quinn's efforts so far have served only to inject politics into smog-fighting, harrass automakers and industry leaders and annoy local pollution control officials. Al McCandless, a Riverside County supervisor, is one of Quinn's detractors. As head of the four-county smog district in Southern California, McCandless has felt the brunt of Quinn's attacks on lax local enforcement programs. "Tom Quinn has been helpful only in a sensationalist way," says McCandless, a Republican who last year unsuccessfully tried to unseat Palm Springs Assemblyman Tom Suitt. "He's a political animal whose only contribution has been to tell the people about air pollution through theatrics and overly stated statistics."

Quinn's critics have amassed a variety of complaints in the last two and one-half years. His confirmation vote in the state Senate was held up for seven months, amid charges that he was a political hack with no expertise in air pollution control who was being rewarded by Governor Brown for running his successful gubernatorial campaign. In the past Quinn has been a target in the general criticism of the Brown Administration for creating an anti-business climate in the state.

In recent weeks, however, Quinn has emerged as a pivotal personality in the Brown Administration's campaign to combat the notion that the state has an adverse business climate. Quinn has let it be known that there may indeed be a future in California for a massive petrochemical plant similar to the project abandoned by the Dow Chemical Company. And he traveled to Japan last month to help lure a Toyota, Datsun or Honda assembly plant to California.

### Shooting from the hip

Perhaps the most repeated criticism of Quinn, though, has been reserved for the way he has promoted the lowly press release to the status of semi-regulation by taking selected issues to the public through the media. Quinn calls it "increasing public awareness;" his critics have other terms, like "cheap shots" and "shoot-from-the-hip regulation." It is apparent that many critics like Quinn's medium less than his message.

Quinn's flair for tossing off pithy put-downs and manipulating the media are not recently acquired talents. A native of Los Angeles and a product of its Catholic schools, Quinn graduated from Northwestern University in 1965 with a degree in journalism. His father, Joseph, had been a Los Angeles newspaper reporter and the owner of City News Service before becoming former Los Angeles Mayor Sam Yorty's chief assistant. After graduation, Quinn worked briefly for the American Broadcasting Company, and then for his father's news service. He later formed his own private news agency, Radio News West, in which he still retains an interest. In 1969, while running his news agency, Quinn met young attorney Jerry Brown at a bar after a Los Angeles Democratic Central Committee meeting. The drinks led to an early morning Chinese dinner and a fast friendship nurtured by Brown's pop-in visits at the news agency. In 1970, Brown asked Quinn to run his campaign for secretary of state. When Brown won, Quinn became his assistant. In 1974, when Brown ran for governor, Quinn was again his campaign manager.

After Brown's election, Quinn is said to have been given his pick of several top-level jobs in the new administration. He says he chose smog control because it was a matter he "truly cared about" and a field in which state regulators had some clout. Because California is the only state in the nation allowed to set vehicle emission standards tougher than those prescribed by the federal Clean Air Act, he also chose a post from which he and the man he serves could get some national attention.

As chairman of the five-member Air Resources Board (not all members are appointed yet), Quinn commands an organization with more than 420 employees whose primary duties are to establish and enforce vehicle emission standards. Vehicles were singled out as heavy smog producers in 1949 by the late Dr. Jan Arie Haagen-Smit at the California Institute of Technology in Pasedena. Haagen-Smit, who served as the ARB's first chairman, discovered that the brown-colored layer covering the Los Angeles area was the product of sun rays hitting nitrogen oxides and unburned hydrocarbons spewed into the air by automobile exhaust pipes. It was labeled photochemical smog. In later testing, it was found that smog was more than just unsightly. Researchers identified it as a cause of respiratory diseases and eye irritation. In addition, air pollution was more recently found to diminish the growth of farm crops in some of the smoggiest Southern California areas and to damage pine trees in the mountains enclosing the Los Angeles basin.

### Changing direction

Although the ARB was created during former Governor Ronald Reagan's administration, the agency did not distinguish itself for its aggressiveness during his tenure. Quinn came in promising "a major change of direction" and quickly began showing what he meant by that. Within a month, he was letting the auto industry know that he meant to deliver on Governor Brown's "blue skies over California" campaign promise. In February 1975, the ARB ordered the recall of 21,000 Chrysler cars and 700 of its trucks because they flunked emission tests. A few months later, Chrysler was additionally ordered to recall and repair about 70 percent of all the cars it had manufactured in California during the first five months of 1975. Toward the end of what was a rough year for Chrysler in California, the ARB fined the auto company $328,000 for selling cars violating emission standards. In all three cases, Quinn's message was brought to the public in headline-grabbing press releases laced with such superlatives as "largest recall ever," "massive and unprecedented violation" and "strongest disciplinary action ever."

"There is no doubt that Tom Quinn has made life rough on us," says a representative of an American car manufacturer. "We've spent billions — that's billions, not millions — cleaning up cars because of forced government regulations. Without those regulations, though, we wouldn't have done it because of the cost and out of fear that the consumer wouldn't buy it."

Lately Quinn has shifted his attention to industrial polluters. Because of recently toughened emission standards, he says, cars in 10 years will be producing about one-third of the pollutants they are today and will be responsible for less than half of the state's smog problems. The overwhelming majority of air pollution then will come from what regulators call "stationary sources" — oil refineries, electrical power plants, factories and other heavy industry.

Not one to set his sights low, Quinn's took after Standard Oil Company in his first major foray into the business of stationary source regulation. The mission, which began in February 1976, has since been labeled by some Quinn critics



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the "floating roof caper." Quinn announced in a press release then that ARB inspectors had found "the worst air pollution violation ever detected." He said he had evidence that at Standard Oil's El Segundo refinery, 3,000 tons of smog-causing vapors were leaking out each year from gaps between the floating roofs of oil storage tanks and the tank walls. His staff said the emissions were equivalent to those from nearly 378,000 late-model cars. Those charges — coupled with Quinn's assertions that the gaps were tolerated by soft-on-smog regulators in Los Angeles — allowed the ARB to take over a part of the local pollution control district's responsibilities. (Under the law creating the ARB, local smog control districts — like the four-county South Coast Air Quality Management District and the Bay Area Air Pollution Control District — have primary responsibility for regulating local stationary source polluters. Unless the local district fails to enforce its rules, the state agency is confined to regulating vehicle emissions.)

### Red-faced politicians

The ARB's entry into Southern California district affairs left local politicians, who direct the agency, red-faced and angry. "We were on our way to correcting the problems in the district," says chairman McCandless, "and then here comes along Tom Quinn, with the super-imposition of the ARB, its politics and its policies of regulation by oneupmanship and shoot-from-the-hip press releases."

The criticism hasn't seriously altered Quinn's approach. Since the floating roof incident, Quinn has most recently taken on Kaiser Steel's plant in Fontana, the west's only raw materials-to-finished product steel mill and one of the largest polluters in Southern California. After ARB inspectors uncovered more than 1,000 violations of the state and federal law at the plant in September — and dutifully announced them in a press release — Kaiser was turned in to the state attorney general, the San Bernardino County district attorney and, most importantly, the federal Environmental Protection Agency.

Somewhat accustomed to fighting industrial pollution charges and threatened fines, Kaiser was more than a bit shaken when the EPA began talking about blacklisting the plant and denying it federal steelmaking contracts. Had such action been taken, Kaiser would have been only the fourth plant in the nation blacklisted by the EPA. Kaiser claimed the blacklisting could force it to close its plant and send its 5,000 employees to the unemployment lines. In addition, another 20,000 jobs in the area surrounding Fontana would have been threatened by a closure. Already stung by charges that his tough stance towards polluters was hurting California's job market and driving away possible new business and industry, Quinn was not about to see the plant close down. But he still wanted it cleaned up. He personally directed the negotiations between Kaiser and the EPA. In the end Kaiser agreed to install pollution control devices and pay stiff fines for avoiding the EPA blacklist.

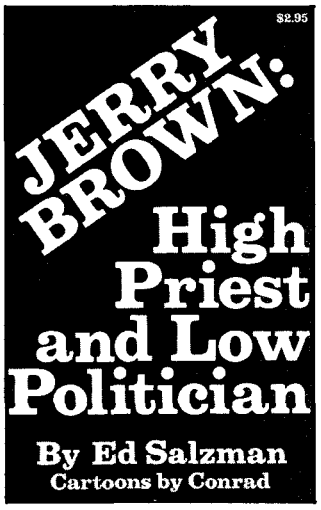
"When Tom Quinn first came on, I thought he was just another political appointee without the necessary technical background," says Dick Dugally, Ford Motor Company's Sacramento representative. "Now I really like the guy. I find him reasonable and have urged other industry leaders to work with him." Dugally adds, however, that he still wants Quinn to care more about the state's unemployment rate when it comes to evaluating new developments and vehicle emission requirements. Quinn's recent touting of the Swedish-made Volvo as a virtually smog-free car and his praise for the Japanese-manufactured autos has left Dugally uneasy. "Can't you promote clean air some other way?" he asks.

If a little unflattering comparison between domestic and foreign cars is what it takes for Quinn to realize his vision, he's not above using it. He knows that how he does his job is just as important as what he does. His ARB colleague Mary Nichols, a former Los Angeles public interest environmental lawyer, says Quinn is treating air pollution control the way he would a candidate he was promoting: pushing it before the public and praising its virtues. For Quinn, taking the fight to the public arena has its benefits and its risks. "Without public exposure, we would accomplish nothing," he says. "We haven't made the strides we have because industries have suddenly gotten religion, you know. And besides, if I make mistakes, it's all right out there in the public for everyone to see."

*For additional information on the Air Resources Board, see "Why state hasn't cleared the air," CJ, October 1973; "New vigor at ARB," CJ, May 1975, and "Science, smog and politics," CJ, June 1975.*


**The book that distinguishes two shades of (Jerry) Brown**

At one moment, Governor Brown seems to be advocating an anti-growth, era-of-limits attitude; the next he is calling for industrial expansion. One minute, he is heading an anti-Japanese save-the-whale campaign; the next he is visiting Japan to lure an auto plant to California. If you want to understand these two seemingly contradictory sides of the Governor, read **JERRY BROWN: HIGH PRIEST AND LOW POLITICIAN,** by **Journal** editor Ed Salzman. This Whole Brown Catalog, based on articles from the **California Journal,** contains cartoons by Paul Conrad of the **Los Angeles Times,** some of Brown's most quotable quotes, his first two state-of-the-state addresses, a sampling of his pithy veto messages and photos of Brown in action. Anyone with an interest in California politics and government will want a copy of this attractive paperbound book.

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'THE THIRD-BEST GOVERNOR'

# Brown and labor: marriage on the rocks

*'And we now have in the governor's office a liberal who will return the essential agencies of state government to public control. We have in Governor-elect Brown a man who will give California a new life and direction." – California AFL-CIO News, Nov. 23, 1974.*

*'He (Brown) did not pull the trigger, but he bought the pistol and bullets. There are certain madhatters in the Brown administration who will, if they have their own way, drive all significant industry out of California." – California AFL-CIO chief John Henning on Jan. 26, 1977, immediately after Dow Chemical Company abandoned plans for a $500-million plant near Antioch.*

By DAN WALTERS

If the relations between Jerry Brown and business have ranged only from cool to hostile, those between the young Governor and organized labor have run the gamut from affectionate to bitterly spiteful. Brown and labor are locked in the kind of marriage in which neither partner can live without the other, but long periods of closeness ultimately result in bickering and separation. Brown, who was elected with the financial aid and political muscle of labor, has presented the movement with some of its greatest triumphs — most notably farm labor legislation. But he has abandoned other programs — most notably collective bargaining legislation for public employees — that also ranked high on labor's agenda. The Governor has turned over to labor the bread-and-butter agencies such as the Unemployment Insurance Appeals Board, but Brown's flirtation with the environmentalist movement sends labor's temperature rising upon occasion.

## Early euphoria

That is why Henning, the venerable, silver-haired spokesman for labor in California, is cautious in his praise of Brown and is willing to rank him only as the third best governor in modern California history. "He's been the best governor except Hiram Johnson and his father," Henning told a recent labor conference on legislation. No one expects labor to desert Brown during his drive for reelection next year, but Henning has been careful not to allow the Governor to take his rank-and-file for granted. Henning, therefore, praises Republican Attorney General Evelle Younger, a potential Brown challenger next year, and invited Younger to a labor-sponsored industrial conference last March.

The euphoria in labor that began with Brown's election two and a half years ago remained pretty much intact for the first year of his administration. In his first state of the state message, Brown singled out farm labor legislation and collective bargaining for public employees as prime legislative goals — along with unemployment insurance protection for farm labor, another long-delayed labor goal. Brown devoted that initial address to employment and jobs, and labor smiled in anticipation of achieving many advances after years of frustration under Ronald Reagan.

Brown told his new agriculture and services secretary, Rose Bird, to begin working on a farm labor bill a few days after she took office. Within a few weeks the bill was announced and Brown staked it out as his special cause. He personally conducted marathon negotiating sessions that ultimately resulted in the agreement of both the UFW and farm leaders on legislation. The package was swiftly ratified by the Legislature and implemented before Brown's administration was nine months old.

This was the period — mid-1975 — of Brown's greatest standing with labor. In addition to farm labor legislation, the year produced bills that banned professional strikebreakers, raised unemployment benefits (and the taxes to finance them), extended unemployment insurance benefits to farm workers, extended workers' compensation to domestic workers and created a massive state housing program.

The failure of public employees' collective bargaining was the only blemish on the record of 1975, from labor's standpoint. The bill became ensnared in opposition from local governmental agencies, and chances for its passage in 1976 were dimmed by a testy San Francisco police strike and what Henning calls "a conservative trend." Brown — distracted by his presidential campaign — didn't produce any great victories for labor in 1976. The year, in fact, was marked by the souring of the "fragile compromise" he had

*The author is a capitol reporter for the* Sacramento Union.



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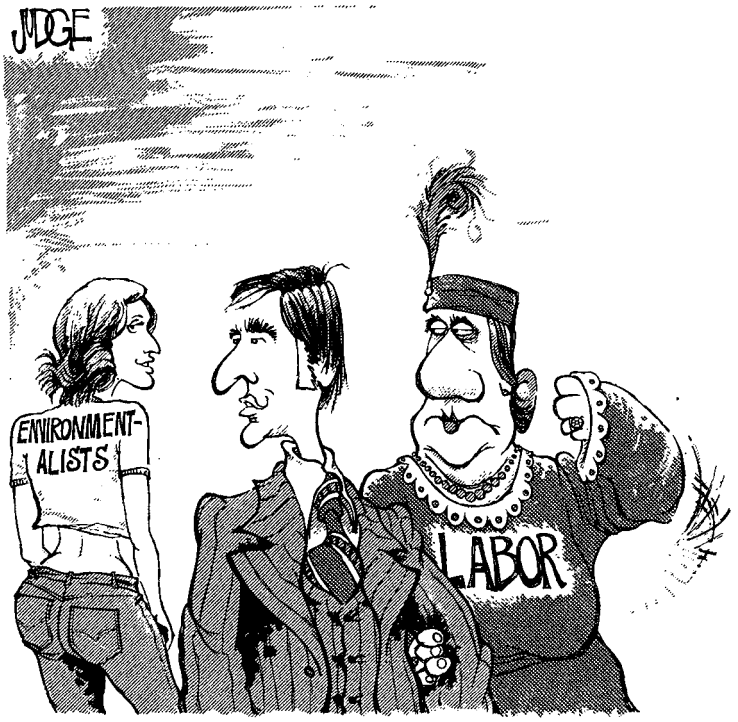


forged on farm labor.

Brown, meanwhile, was embroiled in two legislative battles that forewarned of the coming split with labor over environmental issues. One involved legislation — clearly aimed at forestalling a more restrictive initiative measure — that would place new restrictions on construction of nuclear power plants. The other was legislation to enact coastline development controls.

Labor and business found themselves united in resisting what they saw as efforts by environmentalists to impose too-strict controls on development. Labor was the prime stumbling block to coastal protection legislation until Brown personally negotiated 11th-hour changes with Henning to preserve the bill. Henning, in turn, called a couple of stubborn senators to give Brown the margin he needed.

Brown, who had often used the environmentalist phrase "spaceship earth" during his presidential campaign, was still singing that song in late 1976. He told an audience in San Luis Obispo in October, for example, that he feared the importation of liquified natural gas (LNG) into California. "It raises serious environmental hazards and I certainly want my administration to look very carefully at it before any steps are made in any part of the state." That careful look took about three months, because Brown announced in January that he wanted rapid approval of an LNG terminal site in California and would develop legislation to speed up the process.

What happened between October and January was a public relations disaster for Brown, one that has colored his relations with organized labor ever since. Its name was Dow. Dow Chemical Company, which had been trying for years to secure the dozens of permits it needed for a new petrochemical plant near Antioch, announced suddenly and dramatically that it was pulling out because of the red tape. "Business climate" overnight became the political code word for the strict and cumbersome processes that, critics said, discouraged business from coming to California.

An angry Henning talked about Brown buying the gun and bullets to shoot down the Dow project, and the latent resentment of many labor leaders against the environmental movement's influence with Brown came to the fore. The construction trades unions, especially, were angry with Brown. The much-vaunted housing program aimed at persistent high unemployment in the construction trades had become bogged down in bureaucracy, and Brown's sharp-tongued director of transportation, Adriana Gianturco, was forging a blueprint for slowing the high rate of freeway construction that the unions had enjoyed in the 1960s and early 1970s.

Labor's frustration burst into the open in late March at the California Labor Federation's industrial development conference in San Francisco. At that conference, Brown promised cooperation and warned labor against an alliance with big business. But his entreaties were ignored as unionist after unionist came to the microphone to lash at Brown and his appointees. Henning, who could have stopped the verbal carnage, did nothing. "I don't think you realize how damaging you and your administration have been to the construction industry in this state," Riverside Laborers Union official John L. Smith whipped at Brown. "You've done nothing in this state as far as construction is concerned. All that's left is housing and your people are going to keep pushing until they shut that down too." Another unionist, Doyle Williams of the Steamfitters Union, chewed at Brown over Dow. "The Dow Chemical job was a glaring example," Williams said. "If it had your backing the way Proposition 14 did, Dow Chemical would be in construction right now. I see a lot of talk but I don't see any action. Until I see action I'll be against this administration."

Lumber industry unions, meanwhile, are upset with the administration for advocating expansion of Redwood National Park. And labor has denounced as "an absurd scheme" Brown's program to supplement the state hospital staffs with non-paid volunteers.

If Brown has been having his problems with AFL-CIO, his relations with independent labor organizations have scarcely been better. The Teamsters saw Brown as the enemy during the negotiations over farm labor legislation, and they joined with farmers in charging pro-UFW bias by Brown appointees on the farm labor board. The California State Employees Association's early support of Brown has turned to bitter hostility as the governor has attempted — with great success so far — to impose his era of limits on state employees' salaries. It is doubtful whether CSEA will back Brown next year.

### A time for fence-mending

All of this has not, of course, gone unnoticed by the Governor and he has been trying — especially since the Dow pullout in January — to mend his fences with labor. His appearance at the March industrial conference was one step taken by the Governor. He made a highly publicized trip to Japan to woo Japanese automakers into locating a plant in California. He ballyhooed legislation to speed up developmental regulatory processes to avoid another Dow. He made support for an expansion of Redwood National Park contingent on job programs for displaced loggers. He lined up behind Auburn Dam in the face of opposition from the Carter administration. He announced an increase in highway construction. He called for rapid action on an LNG terminal. All of this means, Henning says, that Brown has "a more reasonable view" than he did a few months ago.

Henning made that statement even before Brown struck his biggest blow for the reestablishment of the era of good feeling with labor — the appointment of Henning to one of the state's most prestigious posts, a seat on the University of California Regents.

The future of Brown's relations with labor may depend on how close the Governor perceives his 1978 reelection drive to be. If the election shapes up as a close one, Brown will pay more attention to his labor flank. Henning sees Brown winning labor's support next year, but with qualifications. "It will be a disputed endorsement at the convention," he predicts, adding, "Younger has a labor following, too."



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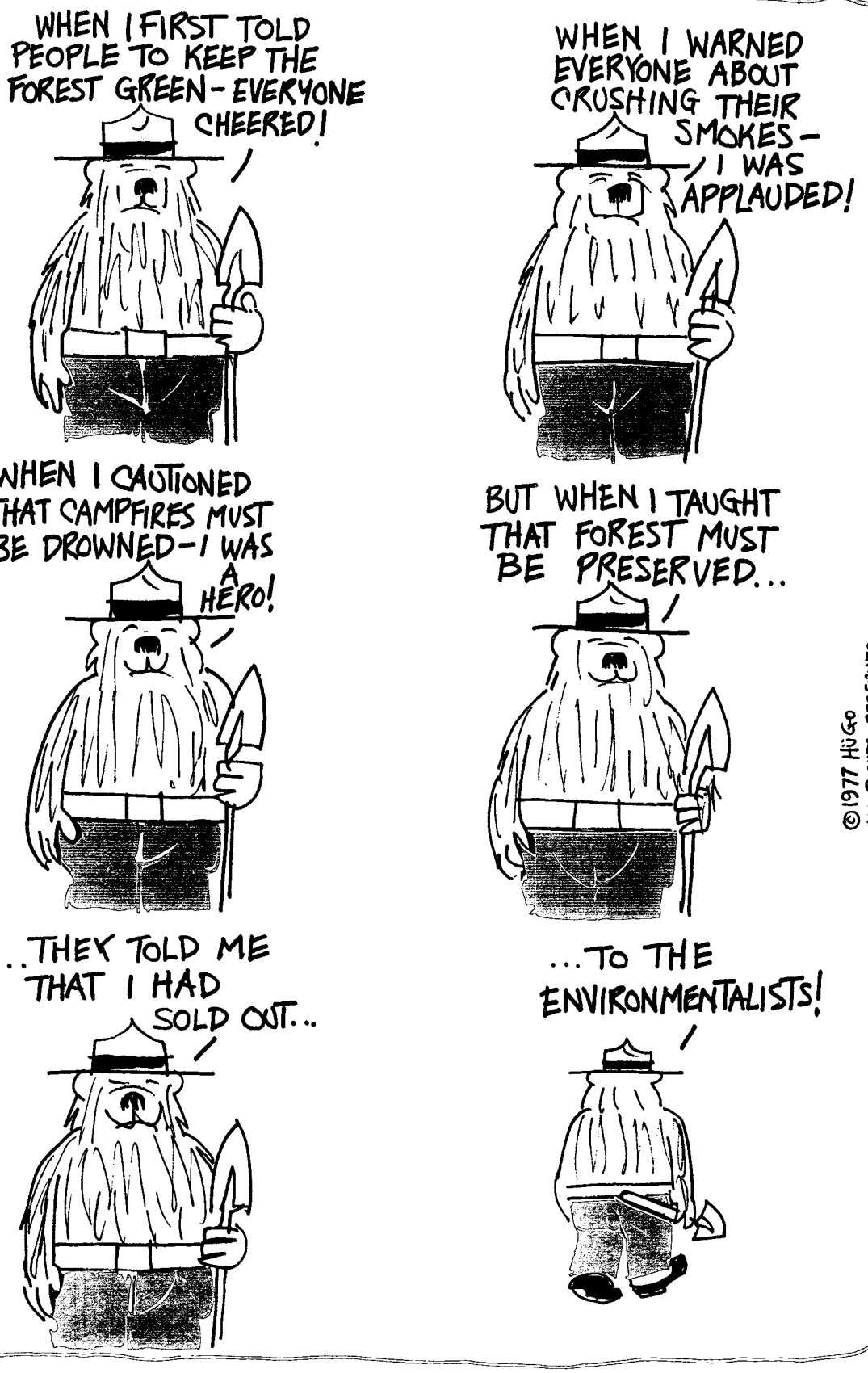
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WHEN I WARNED EVERYONE ABOUT CRUSHING THEIR SMOKES - I WAS APPLAUDED!
WHEN I CAUTIONED THAT CAMPFIRES MUST BE DROWNED - I WAS A HERO!
BUT WHEN I TAUGHT THAT FOREST MUST BE PRESERVED...
...THEY TOLD ME THAT I HAD SOLD OUT...
...TO THE ENVIRONMENTALISTS!
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# South Dakota versus Governor Brown
# The historic Dennis Banks case

Bert Jones

By HAL RUBIN

An ancient Indian custom decrees the granting of unquestioning assistance to those seeking aid. Last year Dennis Banks invoked sanctuary when he fled to California to escape jail in South Dakota. Banks, an Ojibwa from Minnesota, has been one of the militant leaders of the American Indian Movement in recent years. Now he has become a symbol to his followers of the white man's system of justice, for South Dakota Governor Richard Kneip and Attorney General William Janklow are trying to force Governor Brown to extradite the Indian leader, to face charges stemming from a 1973 riot at the Custer County, South Dakota courthouse.

The unprecendented extradition case bears a curious title: *State of South Dakota, Petitioner,* v. *Edmund G. Brown, Jr., as Governor of the State of California, Respondent.* For the legal profession the extradition case has special interest because it raises fundamental questions of constitutional law and states' rights. When Governor Brown did not comply with the extradition request, South Dakota took the case to the Supreme Court of California. In December 1976, that court ordered the appellate court in Sacramento to consider the case first. An established California law firm — Gibson, Dunn, and Crutcher of Beverly Hills — represents South Dakota.

Only once before in the nation's history has the governor of one state sought judicial intervention to compel the governor of another state to accept an extradition request. That dispute occurred in 1861 on the eve of the Civil War, when Governor Dennison of Ohio refused to extradite a fugitive indicted in Kentucky for assisting a slave to escape. Although the Supreme Court heard the case and concluded there was an obligation to deliver, it refused to order Governor Dennison to perform his absolute ministerial duty on the grounds that "the Federal Government, under the Constitution, has no power to impose on a state officer, as such, any duty whatever, and to compel him to perform it . . ."

*The author is a professor of journalism at Sacramento State University.*

### Brown's position

Because of this bar to federal enforcement in the present action, South Dakota has invoked the power of a state court against Governor Brown, citing the 1937 California Uniform Criminal Extradition Act, Penal Code. Responding to South Dakota's action through Deputy Attorney General Gregory Baugher, Governor Brown contended he did not need to extradite Banks until he had finished investigating the justice of the case. He informed the appellate court that ". . . it is not the prerogative of either the courts or the legislature to compel the governor to exercise his discretion in any particular manner or to force him to make decisions which he is not prepared to make." Brown added that if any elected official abuses discretion he is answerable to the electorate, not the courts."

In April the Third District Court of Appeal in Sacramento rejected Brown's position. Presiding Judge Robert K. Puglia wrote the court's opinion, which held that ". . . Penal Code Section 1549.2 imposes a mandatory duty upon the Governor, independent of the federal provisions and that this duty is judicially enforceable." Puglia also ruled that Brown had received a request from South Dakota which does not require investigation beyond determination of the request's validity.

After the appellate court's decision, a UPI news release quoted South Dakota Attorney General Janklow: "At least the California courts function, even if nothing else out there does . . . Brown will screw around in the courts for another six, eight, nine months. He's got a lot of money and a lot of screwballs behind him."

Brown's attorney, Baugher, went back to the appellate court in May with a petition for rehearing and modification

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of its decision, claiming that the decision contained at least two material misstatements of fact, had misinterpreted Penal Code Section 1549.2, and had misconstrued the power of the court. He attempted to show there is long-established historical and legal precedent in California and other states for Brown's position. Legal affairs secretaries and rendition officers for past California governors provided affidavits to support the concept that in "exceptional cases" a governor may refuse to comply with an extradition request. Joseph Babich, currently presiding judge of the superior court in Sacramento County, who was extradition secretary for Governors Earl Warren and Goodwin Knight, said that both governors in many instances refused to return fugitives in the interests of justice.

John S. McInerny, currently judge of the superior court in Santa Clara County and formerly Governor Edmund G. Brown Sr.'s extradition expert, recalls that he occasionally recommended the denial of requests for extradition, even when the requests were legally sufficient, because rendition in those cases was not in the best interests of justice. McInerny concedes that ". . . while the governor of the asylum state does not have true discretionary power to refuse a valid extradition request . . ." that duty, is, however, "one that probably cannot be enforced by recourse to normal court procedure." Cecil F. Poole, who also served with Governor Brown Sr. as executive clemency secretary, stated in his affidavit that the governor of the asylum state has ". . . both the right and the responsibility to intervene by refusal when the interests of justice would be disserved by rendition in a given case."

### Behind the story

Assisting Governor Brown Jr. in the Banks case are J. Anthony Kline, his legal affairs secretary, and Alice A. Lytle, interstate rendition officer. Kline says Governor Brown has received numerous letters, petitions and affidavits, "all urging the Governor to deny the extradition request for a variety of apparently substantial reasons." Both advisers maintain he is entitled to withhold his rendition warrant in order to investigate the circumstances of the Banks case.

Beneath the significant legal questions lie some personal and dramatic elements in the Banks extradition story. Oakland attorney Dennis Roberts, who represents Banks, believes his client's life will be endangered if he is returned to South Dakota. In May Roberts filed a motion to intervene and to augment the record with documents to show why extradition would result in a miscarriage of justice, serious enough to justify the Governor's refusal to grant it. The appellate court denied Roberts' motion.

Roberts' documents deal with a series of incidents dating to 1967, when a 15-year-old Indian girl named Jancita Marie Eagledeer accused her employer of raping her. Eagledeer was a babysitter for the children of William Janklow, then an attorney retained by the Office of Economic Opportunity to give legal assistance to the Sioux Indians on the Rosebud Reservation. Today Janklow is attorney general of the State of South Dakota.

Janklow denied the allegation and — after an investigation by the Bureau of Indian Affairs and a report to the Federal Bureau of Investigation — no charges were filed. Eagledeer moved to Iowa and the incident appeared to be dead. But five years later, two leaders of the American Indian Movement — Dennis Banks and Russell Means — decided to resurrect the case and pursue it as a symbol of "white man's justice." They got permission from the tribal president, Robert Burnett, and from Mario Gonzales, the reservation's tribal judge, to reopen the case before the tribal court of the Rosebud Sioux.

AIM protest demonstrations at Custer and Wounded Knee occupied much of 1973 for Banks and Means, but in 1974 Banks instituted proceedings, as attorney of record, before Judge Gonzales, chief judge of the Rosebud Sioux. A law graduate of the University of South Dakota and a member of the state bar association, Gonzales has practiced before the federal district and appellate courts. Banks — a duly sworn member of the tribal bar — brought Eagledeer back to testify; he also located and brought back to the reservation Pete Pitchlyn, former Bureau of Indian Affairs investigator whose report on the incident was sent to the FBI. Janklow was summoned but did not appear.

After hearing their testimony, the limited-jurisdiction tribal court disbarred Janklow and found probable cause that he may be guilty of two offenses under the Tribal Code: assault with intent to commit rape and carnal knowledge of a female under 16. Shortly afterward Eagledeer was found dead near the reservation, victim of an unknown hit-and-run driver. Janklow, who was campaigning for office while the trial was going on, was elected state attorney general.

### Into the courts

In the same year, South Dakota agreed to allow the federal government to try Banks first for charges stemming from the 1973 AIM incident at Wounded Knee. After an eight and one-half month trial, U.S. District Court Judge Fred B. Nichol dismissed all charges against Banks and Means because of governmental misconduct. "This has been a bad year for justice, a bad year for justice," Judge Nichol said, and lectured the federal prosecutor about misconduct by the FBI and other governmental officials, reminding him, "It is the duty of prosecution to seek justice, not to convict."

Next Banks was delivered to Oregon to face federal charges of possession of explosives. Again a federal judge ordered the case to be dropped. Then Banks was rearrested on a fugitive warrant from South Dakota and Janklow tried to get Governor Robert Straub of Oregon to extradite the prisoner. Straub made his own investigation, refused Janklow's request and released the prisoner. But in January 1975 Banks went to trial in South Dakota for charges related to the Custer incident. This incident, dating back to February 1973, involved charges against Banks for his role in an Indian protest, during which a Chamber of Commerce building was burned and the Custer courthouse damaged. Banks was charged with arson, riot and assault three days after the protest. By the time of his trial in 1975, the charges had grown to 11. More than 300 potential jurors were called before the panel was filled. The all-white jury returned a unanimous guilty verdict. Banks got permission to put his affairs in order before sentencing — and then he fled to California.

Although Banks is the principal in the extradition case, he has nearly been pushed aside by the legal issues involved. Since taking sanctuary in California, he has been a full-time faculty member at Deganawidah-Quetzalcoatl University, about 20 miles west of Sacramento. DQU was founded in 1971 by a small group of Indians and offers courses mainly dealing in Native American and Chicano cultures. It is named after Deganawidah, founder of the democratic Iroquois Federation, and Quetzalcoatl, the Aztec god of life. Banks teaches classes in federal Indian law and Native American religion and philosophy. He lives in a small trailer at the back end of the campus, within view of the coastal range to the west, where a tepee is silhouetted against the sky.

Anti-extradition rallies in Banks' behalf have been held around the state, and petitions circulated to support Governor Brown's position. The case now has gone to the California Supreme Court, and if the appellate court decision is not reversed there, Brown is likely to appeal to the U.S. Supreme Court. Banks believes the AIM effort will not be diverted, whatever the outcome of his confrontation with South Dakota. He told a San Francisco rally in May: "It is important to understand we are not asking for one man to be saved. We want the mistreatment of all minorities to end."

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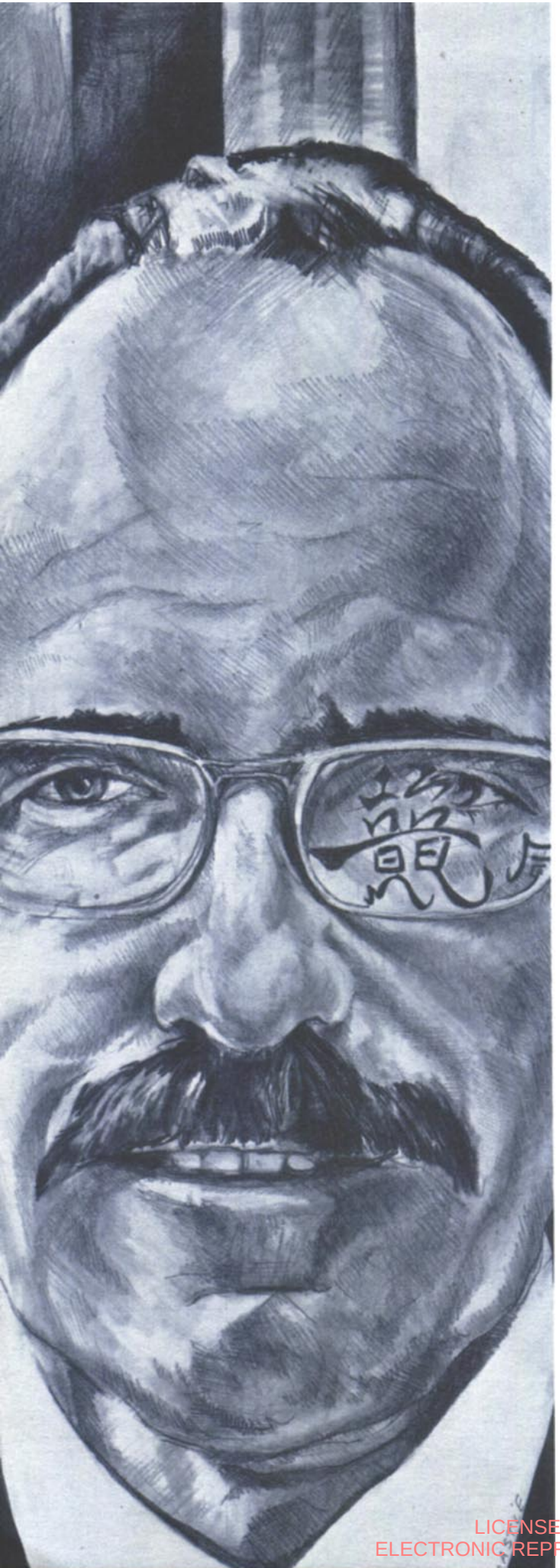

# Secretary Silberman, a man who can stand the heat of the kitchen

*By* OTTO KREISHER

On a late-evening visit to a Sacramento riverfront restaurant recently, Governor Brown and the group he joined found the young cook taking an uncommonly long time to work up the half-dozen orders of hamburgers and fries.

After listening to the complaints for a while and throwing a few glances toward the kitchen, Brown's companion could take it no longer. Carrying his glass of wine with him, Richard T. Silberman marched into the kitchen and quickly returned, carrying four of the orders to serve Brown and part of the party. Back to the kitchen, and in another minute Silberman delivered the rest of the orders — plus a burger he had worked up for himself.

The incident says a lot about the man Brown has chosen to fill one of the most difficult posts in his administration. Dick Silberman is a man who literally and figuratively can take the heat of the kitchen. That ability will be put to the test as the self-made San Diego millionaire takes over the reins of the state Business and Transportation Agency.

Brown's choice of the 48-year-old Silberman also says a lot about the confidence the Governor has in a man he has known for less than two years. If, as expected, Brown runs for a second term next year, the ease of his reelection effort could hinge, to a large extent, on how well Silberman can turn off the heat that is being focused on Business and Transportation. While the problems facing the Health and Welfare Agency may be more severe and less soluble, the conflicts surrounding B & T are hotter politically — and getting hotter all the time.

## Defusing problems

It will be up to Silberman to defuse the Republicans' charge that California, under the Democratic Governor and Legislature, has a negative business climate. And he must do something about the accelerating revolt against the ad-

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*The author is Sacramento correspondent for the* San Diego Union.



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ministration's transportation policies — a revolt that is being led by legislators from the Governor's own party.

Silberman takes on his new job with a confidence approaching cockiness. "I think it will be fun," he told a reporter as he flew into Sacramento to take up his latest challenge. "I feel I'm uniquely qualified for the post."

And, indeed, Silberman would appear to have a background tailor-made to provide the experience, knowledge and contacts needed for the multi-faceted job he is assuming. A virtual Horatio Alger stereotype, Silberman is the son of a junk dealer who was frequently out of work. He started his own business career selling peanuts on the San Francisco Embarcadero and later peddled newspapers on the streets of San Diego. He used part of his earnings to buy radios and electronic gadgets, developing interests and skills he put to use when he formed his first business while still attending San Diego State University. His firm began by servicing television sets for individual owners and expanded into a repair shop for retailers.

After graduation, Silberman went into the rapidly expanding electronics industry, rising to head several companies producing equipment and later forming investment firms of his own. From electronics, he went into the fast-food business. He joined fellow San Diegan Robert O. Peterson in taking the Jack-in-the-Box chain public and expanded it until it was purchased in 1968 by the huge Ralston-Purina Corporation.

Although he stayed with Ralston for two years, serving as an executive in the parent firm's Foodmaker (Jack-in-the-Box) and real estate branches, Silberman — again with Peterson — had already branched out into another field: banking. They took control of Southern California First National Bank in what Silberman says was the first stock tender offer in the history of national banks. The bank expanded, linked its branches by computers and became more customer-oriented, but was reportedly in some financial difficulty when they sold it to the Bank of Tokyo in 1975. Silberman then put some of his money into a shopping and restaurant complex, Bazaar del Mundo, in Old Town San Diego. This particular investment put him into a peculiar conflict with his new post, when it was discovered that state liquor laws forbid anyone responsible for enforcing those laws from owning liquor licenses. Since the Business and Transportation secretary is boss of the Alcoholic Beverage Control department, Silberman had to give up his interest in the Bazaar. (He sold the licenses to a newly created firm headed by a former business partner, Diane Powers.)

### Starting early

Silberman's varied business background has given him experience with electronics — the state's largest industry after agriculture — food processing and service, banking, real estate and tourism, all of which come under the B & T. He understands not only how business works, but also the frustrations of dealing with regulatory agencies. In addition, he says, "I have a general familiarity with business people in most parts of California, some in the nation and a few in Europe and the Orient."

Silberman used those contacts to serve Brown even before being appointed to the state cabinet post. In January he set up a meeting in New York with the Governor and the heads of some 30 major U.S. corporations. Then in April, he arranged meetings in Tokyo with the heads of three major Japanese automakers as Brown made a pitch for a Japanese auto plant in California. Businessmen — who generally respect someone who has made a success in business — may find the assurance in Silberman they have never had in Brown, whose combination of Jesuit seminary training, Eastern mysticism and support of the "small-is-beautiful" school of economics leaves them bewildered.

But his business background is only one of the qualities that Silberman brings to his state post. A man of vast energy, he went through a succession of public service positions while rising through the business world. He served part of a term as an appointed member of the San Diego School Board, then was a member and chairman of the San Diego Stadium Board and the San Diego Transit Corporation — the city-owned bus line. At the time of his appointment, he was chairman of the San Diego Development Corporation, which is directing a multi-million-dollar redevelopment of downtown San Diego. Ironically, he was appointed to the Development Corporation by a man who may be Brown's Republican challenger for governor next year: San Diego Mayor Pete Wilson. The appointment also helped make him a friend and occasional social companion of Helen Copley, owner of the Union-Tribune Publishing Company, and publisher of the *San Diego Union*.

### Power in the home town

Even before Brown tapped him for the state post, Silberman was recognized as a man of influence in San Diego. Veteran newsman Harold Keen, writing his 1977 analysis of San Diego's power structure for *San Diego* magazine, concluded: "At present, the commanding capacity to utilize influence rests in a triumvirate — Pete Wilson, Richard Silberman and Helen Copley . . . Silberman is perhaps the most unusual nonelected individual to have attained power in San Diego."

Silberman sees no conflict in having served two men who now are rivals.

"The work I did for the mayor in San Diego was (started) before there was any thought that he would run for governor," he says. When Wilson's statewide ambitions became clear, "I told him I had worked with the Governor, admired what the Governor has done and that I intended to work for him if he did run (for reelection)."

Silberman also has accumulated political connections that should serve California — and Brown — well. A lifelong Democrat, he has shown a willingness to help Republicans of the proper philosophical leaning. In 1971 he helped then San Diego County Supervisor Jack Walsh, a Republican, in his race for mayor — a race Pete Wilson later won. He then contributed to and helped raise money for Wilson's 1975 reelection race. In addition, Silberman has become the San Diego contact for California's senior U.S. Senator, and now majority whip, Alan Cranston. A longtime supporter and fundraiser for Cranston, Silberman was appointed this year by Cranston to the commission that the senator created to screen candidates for judgeships and U.S. attorneys' posts in the state.

### The Cranston connection

Cranston was the connection that brought Silberman and Brown together. While serving on a 1974 Cranston campaign committee, Silberman met Mickey Kantor, then an advance man for the Senator. When Brown chose Kantor as manager of his late-starting presidential bid last year, Kantor asked Silberman to run the campaign finances. He did a good enough job for Brown to win all six of the primaries the Governor entered against Jimmy Carter — and still end up with money in the bank. "During the several months of the presidential campaign, we saw a lot of each other," Silberman recalled. "It evolved that we were comfortable with each other and had mutual respect."

Brown declines to give an explanation of why he picked Silberman, but his chief aide, Gray Davis, who usually knows how the Governor is thinking, gives this explanation: "Dick is someone who has earned the trust and confidence of the Gov-



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ernor over the last two years. His credentials in the business world will command the respect of small and large businessmen and assure them the interests of business will be well represented in Sacramento."

Silberman is full of praise for his new boss. "Jerry has an incredibly curious and retentive mind, and applies such deep intellectual energy to a problem. He has an uncanny ability to sort out what is significant and what is insignificant. I'd like to see his influence in the state, nation and the world expanded. I see him providing some of the world's needs. Obviously I'm an admirer."

A senior San Diego Democratic officeholder, speaking off the record, has a less charitable view of Silberman's relationship with Brown: "Dick is attracted to power. He has the ability to ingratiate himself to those who have it and become useful to them." Separated from his wife, Silberman will be free to work late into the night — essential for gaining access, and thus influence, with the late-working Governor.

Even before he officially took over his new post, Silberman had a firm idea of how he could serve Brown and the state in the cabinet position. He sees the Business and Transportation Agency as an ombudsman for business — small business as well as major corporations. He also is well aware of the political and economic problems caused by the pervasive image of Brown and California as "anti-business," an image he feels is not based on fact. Silberman says he hopes to involve business leaders throughout the state in the effort to improve California's business reputation. In his view, the primary responsibility for promoting business rests with the business community itself, and local government — a view that echoes the Governor's beliefs. An early leader of Century Three, a San Diego environmental research organization, Silberman also reflects Brown's stated concerns about shaping economic growth to the energy and environmental realities of today.

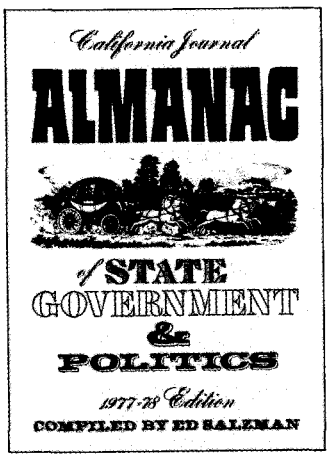
"A good percentage of the (California) public has made it clear that there are certain conditions in the life-style of this state they want preserved," Silberman says. "We can avoid problems for the state by recognizing that some businesses are not compatible with the life-style we want." And, he says, the realities of a continuing energy shortage mean some changes in the life-style of California. "But, I'm not pessimistic about it. I don't believe that a readjustment of our life-style to energy realities needs to mean a dreary life-style. It can be very pleasant."

Silberman has fewer early observations about the other major component of his agency — the besieged Department of Transportation. He says he is not as familiar with the problems and needs of that department, "but I'm strongly committed to multi-modal transportation systems. Obviously in California there is no one solution to the transportation problem."

### Mother's gift

Silberman claims that his mother provided him with one of his strongest attributes: "the ability to be tranquil in a hurricane. I have a certain impatience, curiosity and a lot of energy. When I see a problem, I get enmeshed. But when it gets to a certain point when maybe my skills are not needed, I lose interest."

If the pace of Silberman's business career is repeated in state government, he will make a big splash and be gone in a relatively short time.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# Is the pendulum of power swinging to local government?

*By* ED SALZMAN

It was only a dozen years ago that the state government launched California's era of environmental supremacy with the creation of the San Francisco Bay Conservation and Development Commission. The BCDC measure has become the model for most subsequent pieces of legislation that, in effect, gave state agencies control over decisions that had previously been within the domain of cities and counties.

At the time, the prime mover for formation of the commission, then-Assemblyman Nicholas C. Petris of Oakland, argued that local government simply could not be trusted to prevent the destruction of the bay by greedy land developers. As proof, he merely pointed to the past haphazard development of the bay's shoreline under local autonomy and predicted that the waterway would shrivel to almost nothing unless the state called a halt to filling.

Those were the days when most local governing bodies were run by elected officials who envisioned their prime constituencies as the downtown merchants, the land developers, the newspaper publishers and the Republican Party. Environmentalists, minority groups, neighborhood associations, women and the Democratic Party had a disproportionately small piece of the action. This is probably the prime reason why the state during the last dozen years has chosen to place more and more restrictions on local government, especially in the environmental area. In fact, there has been a general trend for more and more governmental power to rest further and further away from the ordinary citizen.

### The outs move in

It is ironic that during the very time the Legislature was reacting to the alleged sins on the part of local officials, the citizenry was making dramatic changes in the makeup of city councils and boards of supervisors. Increasingly, those who had previously been left out of the decision-making process took control of the instruments of local government. California's local elected officials now are more apt to be Black, female, environmentalist, Asian, Chicano and Democratic. More and more units of government now elect their officials under the ward system, which makes it unlikely that the downtown economic interests can dictate the election results. Look at what has happened in the seven California cities with 250,000 people or more:

Los Angeles. Tom Bradley, a Black, easily won a second term as mayor this year over a more conservative opponent. Bradley, who unseated the maverick conservative Sam Yorty in 1963, was at first feared by the business interests. Although he does not have any large accomplishments under his belt, he has kept Los Angeles cool and is now a favorite of the downtown establishment. Liberals and environmentalists have been doing well in recent Los Angeles elections.

San Diego. Mayor Pete Wilson has twice won city elections in which the prime issue has been his opposition to a policy of rapid growth. Wilson has been supported by the *San Diego Union-Tribune*, which has adopted a no-sacred-cows policy since Helen Copley succeeded her late husband, James Copley, as publisher.

San Francisco. Former Mayor Joseph Alioto, although a Democrat allied with labor, was put into office primarily through the efforts of the business community. His successor, George Moscone, emerged from the political organization of Congressman Phil Burton, with its strong ties to minorities, environmentalists and neighborhood organizations.

*(continued on page 237)*

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# VICTORY AT LAST FOR THE LIBERALS OF OAKLAND

*By* JOHN MINTZ

Aides to Oakland mayoral candidate Lionel Wilson, a Black superior court judge, bought 2,000 plastic raincoats — the kind that fold into the size of a cigarette pack — for get-out-the-vote volunteers on election day last May 17th. They fretted most of the night before that it would rain and that their supporters in the city's flatlands, the voters they needed, wouldn't bother to go to the polls. It was cloudy and a little windy that day, but some 1,200 Wilson people rang doorbells, hung campaign leaflets on doorknobs and made phone calls to wheedle residents into voting. The rain held off until the next day.

As a result of the volunteers' efforts, and of the south-easterly winds, the campaign overcame what traditionally has been the Democratic Party's biggest problem in Oakland: Most voters in the city's predominantly working-class flatland neighborhoods stay at home on election days. The turnout that day in those neighborhoods between the Oakland hills and San Francisco Bay was among the highest in recent history. And Judge Lionel Wilson was elected — the first Black mayor of the port city in which Blacks make up 45 percent of the population. Fellow liberal Democrats swept other elections for a city council seat and two positions on the school board. As a result, Oakland Democrats may have their first chance in a generation to help govern the city.

These elections, though officially nonpartisan like all local ones in California, brought the biggest win for the Democratic Party, and the biggest loss for the ruling Republicans, in a long time. Even though 71 percent of the city's voters are Democrats and statewide Democratic candidates have traditionally done well in Oakland, the last Democratic mayor — a pro-labor lawyer named Joseph E. Smith — served from 1947 to 1949. The one before him was in 1905. But in this recent runoff election, Wilson, 62, beat David Tucker, a white Republican and president of the Oakland school board, by taking 54 percent of the vote to Tucker's 46 percent. Wilson succeeds Republican John Reading, who had been mayor for 11 years.

### Avoiding controversy

There were few issues on which candidates Tucker and Wilson disagreed. One was crime. Tucker, 43, a vice president of Sutro & Co. stockbrokers, ran essentially on the one issue of cutting the crime rate by hiring 150 more patrolmen. He mentioned it in every speech and interview, and said that Wilson was too "lenient" as a judge. Wilson denied it, and said that by harping on crime, Tucker was conjuring images of Black criminals and "inferentially" injecting racism into the campaign. Wilson largely avoided controversy and made standard promises, such as improved housing in run-down neighborhoods and a better business climate. He alternately called himself a liberal and a moderate.

Partly because he's so bland politically, Wilson was acceptable to all the factions of the usually fragmented East Bay Democratic Party. Running under the slogan "Everyone's choice for mayor," he got the active support of Democratic Party stars such as Governor Jerry Brown and U.S. Senator Alan Cranston, as well as party professionals, liberal-to-radical backers of Representative Ron Dellums, unions and the Black Panther Party. In the 1973 mayoral primary, Black and liberal votes split three ways among Panther leader Bobby Seale, Black businessman Otho Green and liberal white Councilman John Sutter. Mayor Reading and Seale came in first and second in the primary. Reading went on to slaughter Seale in the runoff by getting 70 percent of the vote. (Seale later quit the Panthers.)

This time, the Democrats needed a noncontroversial candidate with an established reputation to beat whomever Reading and his loose coalition of Republicans, conservative Democrats and businessmen chose to run for mayor. Wilson had the credentials Democratic strategists were looking for. He had been appointed by Governor Edmund G. Brown Sr. to the municipal court bench in 1960 and to the superior court in 1964 — the first Black man to hold either position in Oakland. Wilson is known as a compassionate judge but not a pushover. Local lawyers say he's especially hard on violent criminals. Wilson also headed the city's antipoverty program in the 1960s.

He lives with his wife Dorothy, who is also a lawyer and who is white, in the city's fashionable Montclair section. "Most of Lionel's friends are white," says one friend. "He basically thinks middle-class white, and sees himself as a role model for the Black bourgeoisie."

### Ingredients for victory

Besides the Democrats' unity, one factor that helped get Wilson and other Democrats elected was the *Oakland Tribune*. Its coverage has at times been slanted toward Republicans. Although the paper endorsed the Republicans in this election, it was fair to both sides on its news pages. Another reason for the Democratic success was that the local Democratic Party was less shy than it has been in the past about stating the party ties of its candidates. It distributed mailers and tabloids with pictures of candidates and references to "the official Democratic slate." That slate's victory will, among other things, make city council meetings livelier. The winners were Mary Moore, who will be the first woman on the council since the 1940s, and Carter Gilmore, a potato chip company executive and a Black. Moore, Gilmore and Wilson will join John Sutter as a strong minority on the nine-member council. Further, moderate Republican Councilman George Vukasin was reelected, and can be expected to vote with them on occasion.

How are the Republicans' traditional supporters in Oakland's business establishment taking all this? Several seem skittish, especially about whom Wilson will name as directors of the city's Port Commission, which oversees one of the world's largest containerized ports. Leo Sorensen, a Pacific Telephone executive and a vocal member of John Reading's coalition, says Wilson would give businessmen "a chilling awakening" if he nominates a Black Panther or "someone who has never had to meet a payroll. I'm sure as hell hoping he can make colorless decisions."

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*The author is editorial-page editor of the* Daily Californian *in Berkeley.*

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**San Jose.** The best evidence of the changes in the city at the south end of San Francisco Bay is the fact that the present mayor, Janet Gray Hayes, is the first woman to lead one of California's largest cities, and her predecessor, Congressman Norman Mineta, broke similar ground for Japanese-Americans.

**Long Beach.** Change has been slow coming to this city, long controlled by the city's newspaper, the *Independent Press Telegram*. This is the only major city in the state that does not have direct election of the mayor, currently Tom Clark, a moderate Republican with close ties to some key Democrats. The council now includes a Black and two women, one of Asian descent. The newspaper has lost some of its influence, and the new city manager, John Dever, is a highly respected professional with no special connection to the paper or the downtown business interests.

**Oakland.** The central city on the east side of San Francisco Bay for many years had a mayor and city council that was far from representative of the community's population, which is highly minority and highly Democratic. But the winds of change blew into the city in this spring's elections, when a Black judge, Lionel J. Wilson, was elected to replace retiring Mayor John H. Reading, a Republican businessman.

**Sacramento.** Not many years ago, virtually the entire Sacramento city council was tied to the city's business establishment or to organized labor. The current mayor, Phil Isenberg, is a liberal Democratic environmentalist. The city council contains two women, one of them Black, and one Asian. If anything, it is the conservatives, Republicans and business interests who now lack representation. In 1972, all nine members of the council endorsed George McGovern for president.

### End of an era?

This trend has not been not limited to the big seven. According to Don Benninghoven, executive director of the League of California Cities, councils in cities of all sizes have undergone similar changes of makeup in the past decade or so. But that era seems to be over. These days, it is the economic conservatives who are starting to get elected in large numbers.

Because of the changes during the recent past, local government today is probably just as representative — perhaps more so — than the state Legislature and the California congressional delegation. According to Benninghoven, this is because changes in the political climate first occur at the local-government level — partially because it is easier to remove incumbents in cities and counties. (The funding of campaigns is usually not nearly as large a factor in local campaigns as it is in state or federal elections.)

Yet, the Legislature has not yet recognized the new complexion of local government. There is still heavy pressure to place fiscal constraints on local government and to impose compulsory arbitration of labor disputes on local officials. These two notions, incidentally, are diametrically opposed to one another. How can a city obtain the funds to pay for any benefits awarded by an arbitrator unless it has fiscal flexibility?

### Back to the people

To a degree, the larger California cities and counties have been shielded from even greater state dominance by charters giving them freedom to act in specified areas of governmental activity. California's charter municipalities have a great deal of independence. Yet there are signs, at least in Los Angeles and San Francisco, that Californians are joining the worldwide campaign to decentralize government and give power back to the people.

In San Francisco, the movement can be illustrated by the rapid rise in the influence of neighborhood organizations. (See "The political ascent of San Francisco neighborhoods," *CJ*, January 1977.) In Los Angeles, it has taken a more dramatic form — the effort of some parts of Los Angeles county to secede. (See "Revolt of the Balkans," *CJ*, April 1976.) The League of California Cities is gearing up a small-cities assistance program, designed to help small municipalities do their jobs in the face of state-mandated solutions to a variety of problems.

Neal Peirce, author of *"The Megastates of America"* and the only writer in America making a living out of tracing local-state-federal interrelationships, predicted in a recent lecture at Temple University that we are about to see a great revival of local influence and a three-tier sharing of powers in America. A "trend toward localism" can be seen around the world, and the era of expanded federal and state control is about over, according to Peirce. People everywhere seem to feel that the broader levels of government are too impersonal and too insensitive to the needs of the individual citizen, he said.

What will be the result of this backlash against state and federal authority? How long will it take for the trend toward local autonomy to affect California? Is the state really ready to start trusting local government, especially with control of the environment?

If you listened to the speeches of Ronald Reagan as governor and as a presidential candidate, you might have thought that the state had withered away during the Reagan Administration and that far greater independence had been given to cities and counties during those eight years. In fact, Reagan was instrumental in placing tax limitations on local government, and the trend toward state control over environmental decisions continued unabated during those eight years. In fact, a Reagan-formed commission conducted a study of local-government organization and concluded that more power should be given to neighbor-

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hoods and the smallest units of government. The report was so distasteful to the governor's office that it was never issued to the public in printed form.

### Converting rhetoric to fact

Governor Brown has also spoken often about the necessity for the federal government to return power to the states and for the states in turn to give more independence to local government. But the conversion of rhetoric into action in the area of power distribution is almost impossible. Why should members of Congress vote to shrink their power? Why should legislators make their own jobs less significant? In general, lawmakers like to have others make decisions that are politically dangerous — like the setting of their own salaries — and reserve for themselves those issues that shape the physical and economic structure of society.

Legally, both the federal and state governments could abandon some of their power to lower echelons of government. At a time when local governmental bodies were less representative of the people than they are today, there may have been justification for the centralization of power. But that argument no longer holds much water.

The current legislative conflict over the establishment of a liquified natural gas terminal in California is the latest in a series of classic struggles between the advocates of local and state control over land-use decisions. (See LNG article in this issue.) In every previous fight (BCDC, prime agricultural land, Lake Tahoe and coastal-zone regulation), the environmentalists fought for state control and the business-labor combine battled unsuccessfully for continuation of local control. But suddenly the roles have become reversed. Because of the current political climate, Governor Brown and the Legislature have become much less friendly to the environmentalists and desirous of helping develop more business in the state. For the first time, it is the environmentalists who are opposing Brown and urging that the basic LNG decisions be made at the local level. And this is because there has been such a dramatic change in the leanings of those who sit on city councils and boards of supervisors.

If the issue of filling San Francisco Bay had peaked this year instead of 1965, the environmentalists might well have preferred to leave the power in the hands of local elected officials, rather than risk a decision by the current crop of neo-developmentalists in Sacramento.

# ROSTRUM

*The* **Journal** *welcomes comments on articles or on issues involving California government and politics.* *The Editors*

### Not a weak bill

On page 197 of the June issue this statement is made: "As it turned out, the committee passed a weak capital punishment measure out of political necessity." ("The Assembly's graveyard of law-enforcement legislation") That is a totally inaccurate statement. In describing the categories of murder covered by the bill, the author mentioned six and failed to include nine others. SB155 provides more circumstances for death penalty cases than the prior law declared invalid by the State Supreme Court.

SB155 is not a weak bill. Even though the political realities were such that an even stronger bill could not have cleared the Assembly Criminal Justice Committee, that does not make SB155 a "weak bill." As a matter of fact, it is a tough bill which is supported by law enforcement and in our opinion, will stand the expected test of constitutionality once it becomes law. SB155 does not vary greatly from the prior law. The one major difference is that SB155 allows each defendant to present mitigating evidence during the penalty phase of the trial. That procedure is now required under the most recent court decisions.

GEORGE DEUKMEJIAN
Senate Minority Leader

### The quality of education

In response to "Does the Golden State Deserve Its Tarnished Reputation," (*CJ*, May 1977) I would like to express my thoughts.

It is stated that California's system of higher education probably cannot be matched anywhere in the country, but the same cannot be said for the public schools, kindergarten through high school. I feel that this statement and the conclusions the article draws about our public school system are unfair and deserve a reply.

The public is discouraged about many aspects of elementary and secondary education but this is not unique to California. In recent years, it has generally been recognized throughout the nation that simple increases in the levels of support to our schools cannot alone improve the quality of education, but the question is, "What will?" In this regard, we in California have taken the lead in developing statewide efforts to reform and restructure our schools — like Early Childhood Education and the proposals in the Governor's Comprehensive School Finance Proposal — to ensure that our children receive a quality education. It is likewise unfair for the *Journal* not to relate the effort to the people of California of the special needs for handicapped, disadvantaged and limited-English-speaking children, which are greater than any other state.

Your statement overgeneralizes the conditions of one high expenditure and low achievement district to the state, when the facts show that we are reversing past achievement declines and that we are above the national average in the second and third grades where our reforms have been implemented.

The *Journal* is also incorrect to say that Governor Brown would prefer to gamble funds on innovative programs with a chance of producing better results. The Governor's expansion of educational reforms and special needs in Assembly Bill 65 by Assemblyman Leroy Greene can hardly be called a gamble.

Change and lasting improvement is not easy. There is no panacea that will bring rapid, lasting improvement in our schools, but the reforms and improvements we have started in California are the beginning of a difficult, deliberate effort to change our system of instruction and serve as a model for the nation.

WILSON RILES
Superintendent of
Public Instruction



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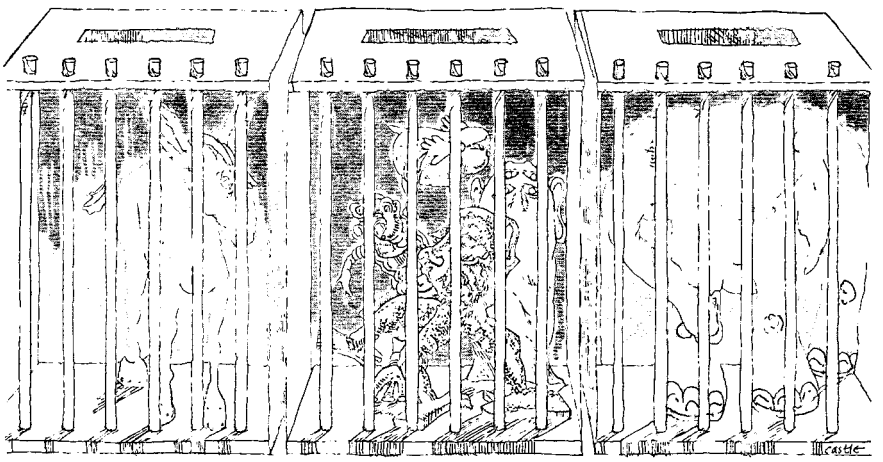
# Why California has blocked ballot access for minor parties

By Richard Winger



Last November, Eugene McCarthy was the first independent candidate for president since George Washington. And last November, for the first time, Californians saw independent candidates for president on their ballot. But — surprise — Eugene McCarthy wasn't listed among them. Instead, the three independents listed weren't independent candidates at all. They were Roger MacBride, Peter Camejo and Gus Hall, presidential candidates respectively of the Libertarian, Socialist Workers and Communist parties.

This bizarre situation occurred because California was then reforming its ballot-access laws for third parties and independents, and the job wasn't complete. Today, the reforms continue. The immediate reason for the reforms is that federal courts are threatening to declare parts of the California elections code unconstitutional, but the underlying reason is that the California Legislature during the 1930's did a poor job of amending the election laws to provide ballot access for "third parties" and independents.

The 1934 election was the most exciting that California had experienced in at least 20 years. Upton Sinclair, a life-long Socialist, captured the Democratic nomination for governor on a platform of Ending Poverty in California (EPIC). Dozens of groups professed to have the answer for restoring prosperity. The newspapers reported that a record number of candidates had filed in the primaries. Amid the excitement, three new political parties qualified.

In most states, the announcement that three third parties had qualified for the ballot would have been no news at all. It was customary in most states for several third parties to qualify for each and every election. But in California, the impact of having even one new party qualify was greater than in other states. California, almost alone among the states, provided a primary for every qualifying party, even in the party's first election. (Currently, only California, Oklahoma and South Dakota have such a provision.) Once a party had qualified in California, it could very easily remain qualified for succeeding elections, regardless of how weak it might be, since the requirements for staying on the ballot were extremely easy.

### Nine primary ballots

Since California already had five qualified parties before 1934, the newcomers raised the total to eight. Eight parties were no particular problem for the general election, but they vastly complicated the primary. Election officials had to provide nine different ballots to each precinct, one for independent voters plus eight for the parties. This meant that in 1934, a primary ballot had to be printed for the Liberty Party in every precinct in the state, despite the fact that no one had filed in that party's primary for any office. Similarly, in 1936 a primary ballot had to be prepared and furnished everywhere for the Commonwealth Party, which had only 144 registered members in the entire state and which also had no one filing for its primary.

The Legislature could have solved the problem by providing that small parties nominate by a method other than the primary. An alternative would have been to make it more difficult for a party to remain qualified, a step that was taken some years later.

But the 1937 Legislature did neither. Instead, it raised the signature requirement for qualifying a party for the ballot from one percent to 10 percent of the last gubernatorial vote. This change, along with other amendments — raising the independent candidate's petition requirement from one percent to five percent, and moving the deadline for qualifying a new party from late June to early January — made it almost impossible for new third parties to get their candidates on the ballot in California, although the legislation had no immediate effect on the third parties that were already qualified. Only one party ever qualified by petition again, Henry Wallace's Independent Progressive Party which collected 440,000 signatures. There remained one other method to qualify a party: the one percent registration method. But it also was extremely difficult, and was used successfully only

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in 1938 by the Townsend Party and in 1968 by the American Independent and Peace and Freedom parties.

Bills to lower the requirements to qualify for the ballot never succeeded because such measures were always sponsored by a particular third party, and the major party that was closest in principle to that third party always voted en bloc against the legislation. A 1951 bill to lower the requirements, introduced by a Republican on behalf of the Socialist Party, was doomed when it received zero votes from Democrats on the Assembly floor. Similar bills in 1967, introduced by Democrats for the Prohibition Party, were killed in like fashion. A 1973 bill to lower requirements for independent candidates was introduced by a Republican for La Raza Unida, but it couldn't get past the Democratic-controlled Assembly Elections and Reapportionment Committee.

### Turning to the federal courts

Encouraged by the 1968 U.S. Supreme Court ruling putting George Wallace on the Ohio ballot, third parties turned to the federal courts. A challenge to the independent nominations law reached the U.S. Supreme Court first. It was brought by the Northern California American Civil Liberties Union on behalf of the Communist Party. In March 1974, the Supreme Court in *Storer* v. *Brown*, returned the case to the lower court, saying the record lacked so many important facts, it was unable to decide the case. But the decision laid down guidelines which clearly indicated that the law (which required collecting 331,000 signatures in 25 days from registered voters who hadn't voted in the preceding primary) would eventually be found unconstitutional.

At the start of the 1975-76 legislative session, Assemblyman Jim Keysor, chairman of the Assembly Elections and Reapportionment Committee, introduced a bill to make it easier to qualify an independent candidate. He explained that the bill was necessary to spare the state the embarassment and confusion of having the present law declared unconstitutional.

The provisions of the bill (AB 52), seesawed back and forth as representatives of various third parties, including Eugene McCarthy's independent presidential campaign, lobbied frantically to get the provisions of the bill low enough to qualify their 1976 presidential candidates under the new independent procedure. At one point, in its most severe form, the bill would have required 189,000 valid signatures in 60 days from registered voters who hadn't voted in the primary. The bill assumed its least restrictive form on March 31st, 1976, when a conference committee tentatively set the requirement at 63,000 signatures (one percent of the most recent vote), to be collected in 60 days from any registered voters. The following week the conference committee met again, and increased the requirement to 99,000 signatures (one percent of the total state registration at the preceding election). In this form, it became law.

At 99,000 signatures statewide, and signatures equal to three percent of the registration total for congressional and legislative contests, the new law was still too difficult for any independent to meet. Although the requirements were far easier, they still called for twice as many signatures as in any other state except Georgia. Although Eugene McCarthy collected more signatures in California than he did in any other state, his 80,000-plus signatures weren't enough to qualify.

Several third parties were capable of using the new law. The Socialist Workers Party qualified both its presidential ticket and its U.S. Senate candidate, despite the handicap of having to get signers to sign two separate petitions. The Libertarian Party and the Communist Party also qualified their presidential candidates. La Raza Unida qualified two Assembly candidates in Los Angeles County, the Libertarian Party qualified an Assembly candidate in Alameda County and the Workers Party qualified a congressional candidate in Los Angeles County.

Since all these third party candidates qualified under the independent nominations law, Secretary of State March Fong Eu had to put them on the ballot with the partisan designation "Independent." This was a source of confusion since they were not, in fact, independents, but third party candidates. Some angry citizens charged that Eu had deliberately placed Gus Hall on the ballot as an "Independent" in order to fool the voters and keep them from learning that he was actually a Communist.

Whether or not the Legislature does anything about this mislabeling problem may depend, again, on the federal courts. Although the lawsuit against the independent nominations law was withdrawn after AB 52 became law, the lawsuit against the party qualification law, originally brought by the Socialist Workers Party in 1973, is still unresolved. The U.S. Supreme Court has not said yet whether it will hear the case. It is likely that it will, however, since federal courts in Arkansas, Maryland, Nebraska and Pennsylvania have all held that spring qualifying deadlines for third parties are so remote in time from the November election, they were unconstitutional. The California qualification deadline is earlier than the deadlines already struck down.

The resolution of the constitutional problem may well be in the creation of a new procedure which will qualify third parties for the November ballot, but will not necessarily call for their own primary. No one knows how difficult the new procedure will be. The experience of other states, and California's own past, should show there is no valid reason to set the requirements so high that most serious third parties and independent candidates cannot qualify, particularly if the counties are freed of the burden of providing a primary election for each party.

## Selected government reports

**Women In California: A Guide to Organizations and Resources;** edited by Diana A. de Noyelles, published by the Center for California Public Affairs. May 1977. A comprehensive guide to resources for women in California. Indexed. 172 pp. Available from the publisher, P.O. Box 30, Claremont 91711. ($16.75)

**Leadership With a Feminine Cast;** by Naida West, published by R and E Research Associates. 1976. Analysis of 14 women leaders in politics, business and government. 130 pp. Available from the publisher, 4843 Mission St., San Francisco 94112 ($8.00)

**Doing Business in California;** by the Business Development Institute. 1977. A guide to starting, expanding or relocating a business. 52 pp., soft cover. Available from the institute, 717 Lido Park Drive, Newport Beach 92663. ($10 plus tax)

**The California Gold Rush: California and the Nevada Region 1833-1860;** by Gordon V. Axon, published by Mason/Charter, N.Y. 1976. Narration of the discovery of gold and what the metal's lure did to — and for — California. 136 pp. illus. ($6.95 hardbound)

**The California Guidebook to the State Legislature;** published by Admail/Express, Inc. Looseleaf, containing basic information on the California Legislature — current officers, committees, staff members, etc. Available from The California Guidebook, 2230 K St., Sacramento 95816. Initial subscription, $75 plus tax.



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# Libertarians, GOP successor or philosophical study group?

By Bud Lembke

The atmosphere at the meeting was a mixture of intellectualism, the doom and gloom that pervaded anti-communist crusades in the 1950's and the anger of a protest rally against high taxes. Libertarianism was the subject and, since it appeals to various segments of the political spectrum, the people in attendance were a seemingly diverse group. Some appeared to come from the world of the junior chamber and the junior league. Others were long-haired young men in denims and women in gingham dresses. There were also a few oldsters who sounded as though they had been battling tirelessly to repeal the income tax at least as far back as FDR's first term.

Waiting for the introduction of Dr. John Hospers of the University of Southern California, an honored prophet of the Libertarian Party, one expected the evening to be formidably cerebral from the conversation of two students seated just ahead. "I don't think Werner would say there is an internal self," said a young man in a blue jacket. Replied his companion, "Well, ontology is the study of nature and being."

When Hospers got up to speak, however, there was nothing very esoteric about his message. It was as simple as A, B, C: *A* — the country is going to hell in a handbasket; *B* — the interference of government with the private citizen is the cause of this demise, and, *C* — the answer to the title of Hospers' talk, "Will freedom survive until 1984?" is "maybe."

About 80 persons gathered one chilly evening last February to hear the talk by Hospers in a small lecture hall on the Fullerton College campus. The speech was sponsored by the Society for Libertarian Life, an "educational" group which is not entirely convinced that the movement can advance by playing the game of politics in conventional ways. It does, however, stage protest demonstrations, circulate bumper strips such as "Don't Rob: It's a Crime to Compete with Government," and circulate pamphlets asking, "Who's afraid of anarchy?"

### Orange County predominant

The society has 600 persons on its mailing list, 400 of them in Orange County and the remainder scattered throughout the state. As it is in strawberry production, Mercedes sales and dirty political tricks, Orange County is also one of the leading counties in California in the fervor of its libertarian activity and is prominent nationally in this movement that tells government where to go. This is attributed in part to the supportive attitude of the *Santa Ana Register*, which has been pushing a form of libertarianism since the late R. C. Hoiles purchased the paper in 1935. The Register's current editorial page editor, Ken Grubbs, is an adviser to the Society for Libertarian Life.

Those who work through the Libertarian Party, rather than through the more academic society, are more widely dispersed. They are still relatively few in number, but they have high hopes. Los Angeles County has 1,055 registered Libertarians; Orange County, 343; Santa Clara County, 259; San Francisco, 242; and San Diego, 215.

Their optimism has to be considered pretentious at this point, in spite of the fact that they at least did get noticed during last year's Presidential campaign. They are adherents of a philosophy that dates back to the laissez-faire ideas of Adam Smith as expressed in his "Wealth of Nations" in 1776, and to the 19th century liberalism in Europe. In the United States, the country started out with a simple government that was close to the present libertarian ideal and then saw it develop into big government and big taxes. The liberalism of Europe spawned a big government offspring in America that resembled it in name only.

The Libertarian Party that is now trying to gain a foot-

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hold in America is, however, very young. It was formed only six years ago at a convention of 40 persons in Denver. From that small beginning, it has grown considerably in numbers, organization and in profile, to the point that some leaders make optimistic predictions. "The Libertarian Party will replace the Republican as the second major party in the country by 1980," said Ray Hendrickson, 39, who practices law in Orange and is also the attorney for the Libertarian Party of California.

But Ray Cunningham, 34, a San Francisco engineer who is state chairman, is more cautious. "I think we'll be fortunate to elect someone to Congress by 1980," said Cunningham. "Then by 1984, we should exert a substantial influence on the nation. Since we are not a political movement based on a single personality, such as George Wallace, or on a single issue, such as the Peace and Freedom Party's opposition to the VietNam War, we don't have to have instant success. We don't have to suddenly bloom and take over everything. We can build rapidly, and expand our political base until we're a major party in the United States."

If the nation's anger over burgeoning bureaucracy is as intense as it has been gauged, it ought to be now or never for the Libertarian Party. In California, a beginning has been made, a start toward that far-off goal of catching the Republicans. A committee called LIBRE (for Libertarian Registration Effort) has been formed to try to gain official designation on the California ballot. LIBRE coordinators have been named in 35 of the state's 58 counties.

Official recognition on the ballot will require registering 63,000 voters as Libertarians, a gain of about 59,500 over the present. To get on the California ballot at present, a Libertarian candidate for president must obtain about 100,000 petition signatures. And even then, he will still be listed on the ballot as an "independent," rather than as a Libertarian.

One of the encouraging signs to Libertarians is the popularity of their party name these days among Republican and Democratic politicians. Ronald Reagan has been known to refer to himself as a "libertarian conservative," though Libertarians regard traditional conservatives as inconsistent in their urging that government keep its hands off business while at the same time condoning U.S. military involvement overseas and FBI spying at home.

Ron Cordova, the new Democratic assemblyman from heavily Republican southern Orange County, proudly refers to himself as a "civil libertarian." He said he believes there should be "as little government as possible," though he parts company with the Libertarian Party on many of its views. And Assemblyman Gordon Duffy of Hanford sees many of the libertarian ideas as appealing and the Libertarian Party as possibly a "dramatic new third force," rather than as a replacement for the Republican Party.

### National ticket in 32 states

The Libertarian national ticket of Virginia television producer Roger L. MacBride for President and Newport Beach attorney David Bergland for Vice President, achieved the ballot in 32 states last fall. Among also-rans, they polled more votes November 2nd than Lester Maddox and several other candidates, but not as many as Eugene McCarthy. Their best state was Alaska, where they got six percent of the vote. They only received about three-quarters of a percent in California, but still finished third among seven presidential tickets.

Hendrickson and Cunningham wanted to keep the momentum alive by raising a $60,000 campaign chest to finance a drive this year to obtain ballot designation by next year's gubernatorial primary. That go-for-broke position was sidetracked, however, when the party's executive committee deadlocked on it, 16 to 16, at a February convention in Los Angeles. A more modest goal was set of trying to register 30,000 voters in the party by the end of this year, and then building toward the required 63,000 to achieve ballot status by 1980.

The party draws from a wide spectrum. Cunningham said about one-third of the membership was formerly conservative Republicans, one-third was ultra-liberal and another third was either unattached or disinterested. Hendrickson adds that about 10 to 15 percent of the Libertarian party members are anarchists and believe basically in no government. But he adds: "They're pacific anarchists, not bomb throwers. All endorse the concept that it's immoral to initiate force."

Cunningham, a Coast Guard Academy and Massachusetts Institute of Technology graduate, never bothered to register to vote until he was 29. He said he couldn't see any difference between the Democratic and Republican parties and didn't regard either as "a valid instrument for change, to deal with the problems of society." Hendrickson worked for John F. Kennedy's election in 1960 while at North Dakota State University, but was disappointed by Kennedy "in his arrogance toward free enterprise in forcing down steel prices by threats." He went over to the Young Republicans while in Seattle and then attended the Libertarian Party organizing convention at Denver in 1971.

### Hutchinson first director

The party was organized in California four years ago. Ned Hutchinson, who was Governor Reagan's appointments secretary, was hired two years ago to be the Libertarians' national executive director but died a month later of a heart attack.

There was an abortive attempt in 1974 to achieve ballot designation in California the easy way by capturing the Peace and Freedom Party's (PFP) rather moribund organizational machinery at a state convention in Sacramento. It eventually failed, but last June, Fullerton commercial artist Lawrence Samuels, 25, and four other Libertairians took over the Orange County Central Committee of the PFP by getting elected to the committee in the primary. It was a ploy which the five used to endorse the Libertarian national ticket of MacBride and Bergland.

Samuels, who is also chairman of the Society for Libertarian Life, said he is just keeping the Orange County PFP "shut down so it can't do anything" since the November 2nd election. He and other purist Libertarians worry about "gradualism," or going slow on some lifting of government controls and subsidies so that voters won't be frightened off. "If the only way to get elected is to compromose, you destroy the philosophy and you won't be able to tell what libertarianism is," said Samuels.

In its purest form, the Libertarian view is that government should exist only to protect individuals from physical force being used against them, and to protect property rights against fraud, robbery or trespass. This would mean turning the system upside down by providing private roads, parks, schools, postal service and even private military forces.

Hendrickson said the movement has similarities to the classical liberalism of Europe at the time of the French Revolution. The Vienna School of Economics was then the foundation of the liberal movement. That old liberalism had a moralistic posturing and a paternalistic aspect, based on an assumption that people generally don't know what is good for them. Those notions are supposedly foreign to today's libertarianism, but there remains a kind of intellectual snobbery.

Conservative Republicans of the Goldwater and Reagan



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school, often accused of longing for the past, would at first glance seem blood brothers of the Libertarians. After all, California's Libertarian Party platform opposes taxation of any kind, urges abolishing zoning laws, is against compulsory school busing and favors ending the food stamp program. It also happens, though, that liberal Democrats can also identify with some Libertarian platform planks — those repealing laws against "victimless crime," such as prostitution, gambling, drug use and homosexual acts; resisting censorship and wiretapping; and insistence on withdrawal of U.S. military forces from Europe and Asia.

Hospers, a medium-sized man who rocks on his heels to make a point, painted what one of his admiring questioners at the Fullerton lecture described as "a dismal picture." The USC professor spoke for an hour and ten minutes. He warned that government spending is "much more alarming than people seem to be aware," that the social-security system is going broke and that "the American public has been sold a bill of goods that the government will provide." Meanwhile, said Hospers, pacing and occasionally rising on his toes beside the lectern, "the steel ring of government tightens." He blamed businessmen, government employees and, most of all, intellectuals for this state of affairs.

"Intellectuals are kind of camp followers of power," said Hospers. "They'll sell their souls to get an additional grant of government research." He contended that the only hopeful sign is the increase in the number of Libertarians. "How many were there around in the 1940's?" he asked. "You could count them on the fingers of one hand: (publisher) Albert J. Knopf and H. L. Mencken."

Louis McCammon of Los Angeles, secretary-treasurer of the Peace and Freedom Party in Los Angeles County and a frequent participant in public debates with Libertarians, claims the Libertarian Party's goal of overtaking the Republican Party nationally is "unrealistic." He said he can't see it unless the Republicans suffer a complete collapse. "The Libertarian Party has a good point of view on civil liberties, but I can't see Kansas Republicans endorsing the legalizing of heroin, marijuana and homosexual activity," he said.

### Left and right close

Barbara Shell Stone, chairperson of political science at California State University, Fullerton, and the daughter of former Assembly Republican leader Joe Shell, one of the state's ranking conservatives in the pre-Reagan era, has a similar view. "It's amazing how close the Left and Right are on some things," she said. "Libertarians are as close to anarchism as you can get. They begin with the presumption that you can't trust government because you can't trust people. Anarchists are usually way to the left. They have great faith in people and believe that if only government would leave them alone, people would do fine."

She said libertarians "have their place, espousing the individualism that both liberals and conservatives claim to believe in." She maintained, however, that they are too practical to be successful at the ballot box. "People follow candidates, not philosophy," said Stone. "Being anti-bureaucracy is a good thing today politically, and that's the Libertarians big thing, but they will have trouble, because the American people are not willing to give up all their services. Libertarians are much too consistent. People are not ready for that."

Stone concluded, "People on the whole don't act politically on the basis of philosophy. They vote on pocketbook issues. They aren't going to understand most of the Libertarian philosophy. And if it were ever translated, people would realize, 'I won't get Medicare!' The libertarians are just a philosophical study group. That's all they are."


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# The impact of the drought on California's political climate

*By* TONY QUINN

After a string of successes that would make Mohammed Ali jealous, California conservationists now have new causes for concern. They have seen Governor Brown abandon his "less is more" stance to embrace "build and grow." New assaults on environmental-impact reporting requirements are coming from the Legislature, as well as new enthusiasm for dam and canal construction.

But possibly the most serious pitfall facing conservationists is the worsening drought. Ironically, it is in those very areas which have exhibited the greatests concern for environmental issues that the drought is having the most impact.

Over the past decade, there has been a strong shift in public consciousness — away from the philosophy of growth and development which dominated California thinking throughout the 1950s and 1960s. Successes at the ballot box have radically altered the political map of California, and have given the state many officials who are committed to controlled land and resource use, tougher anti-pollution laws and slowed growth. Now, however, concern over high unemployment, the alleged poor state business climate and the drought threaten to change things.

### The thirsty coast

From Marin County to the San Diego beaches, California's coastal strip has provided the strongest support for environmental issues and candidates. It is also the driest and thirstiest part of the state right now. Environmental voting in the coastal communities, more than anything else, accounts for California's changed politics. Until 1970, the state appeared reasonably balanced between the two

political parties, with the Democrats stronger in the inner cities and the San Joaquin Valley, and the Republicans entrenched in the suburbs and along the coast. California voting behavior varied with economic patterns, and the coastal communities were among the highest per capita in the state.

But they were also experiencing some of the fastest growth, and in the early 1970s the wealthy coastal suburbanites began wondering whether they wanted a new shopping center every mile and a new housing tract every five. The traditional economic conservatism of these communities clashed with new concern for the quality of life. By 1972 an environmentalist tide was running full force and by 1976 it had swept away the conservative and Republican base along the coast. Counties like Marin, Santa Cruz, Monterey, Santa Barbara and the western parts of Los Angeles and San Diego veered away from past conservative voting patterns to elect a new breed of environmentalist legislators and local officials, mostly liberal Democrats, who would hardly have had a chance for success a decade before.

While Watergate and the 18-year-old vote reduced Republican registration in California by five points from 1970 through 1976, and helped elect more Democrats to the Legislature than ever before in modern history, the coast really dealt the GOP a blow. There a 10 percent drop in Republican registration was recorded, and places like Santa Cruz and Santa Barbara were virtually transformed from one-party Republican to one-party Democratic.

With the political stampede to environmentalism came actions aimed at stopping or limiting growth. Curtailing water development was a quick and effective one. Marin County, which had grown by 40 percent through the 1960s, voted two to one in 1973 to stop future expansion of its water supply. Conservationist politicians campaigned successfully against more dams, particularly on rivers along the north coast. The Peripheral and Folsom-South canal projects were halted near Sacramento.

It is ironic, therefore, that when the drought hit home this spring, it was first and most severely felt in those very areas where environmental concerns and no-growth policies enjoyed their greatest success. The coastal plain, since it is not severed by either of the major water delivery systems, felt the drought early. Marin County was the first to go to mandatory water rationing, followed shortly by parts of Monterey County. Virtually the entire Bay Area is now under some sort of rationing.

Impact of the drought varies. In Southern California, the Colorado River Aqueduct, fed by millions of acre feet of dammed water, guarantees a

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continued flow of water to the most heavily populated parts of the state. Central Valley farmers may suffer severe losses due to unavailable agricultural water, but people living in the inland areas will probably get by with minimal personal rationing. However, along the coast, from Marin and the Bay Area almost to Los Angeles, the effects of the water shortage promise to be severe and could be catastrophic.

The drought certainly will not interfere with the desire of coastal communities to control their growth, but could well undercut the attraction of achieving this through curtailing water development. Some evidence of new statewide support for water development is already apparent. Legislation has been introduced to repeal the state's Wild Rivers Act, which prohibits dams on several north coast rivers. Contra Costa County seems ready to modify its opposition to building the long-delayed Peripheral Canal. Governor Brown, whose sensitive political antennae detect any change in public attitudes, apparently has traded his white-water canoe for the dam builder's shovel.

### A bagful of side effects

The drought brings with it a bagful of unpleasant side effects, which also threaten environmentalist gains. Low water runoff means less hydroelectric power. This means burning more expensive fossil fuels for electricity, which translates into higher utility bills and more air pollution. Reduced agricultural water means higher food and fiber prices, and more inflation and unemployment. The Central Valley, where the economic fallout from the drought will be the worst, is traditionally water expansionist, and can be counted upon to exert its considerable political muscle for more water development.

The last great drought, in the 1930s, gave the impetus to the Central Valley Project to "make sure it never happened again." That was when California had less than six million people. Today's population tops 20 million. While declining birthrates and slowed eastern migration suggest the growth problem may be lessening, the drought raises the question whether we can provide enough water for those already here.

It is probable that the drought will strengthen one element of the environmentalist ethic: conservation and an appreciation for limited resources. But it is equally possible that an aroused public will demand more water development and that the call for more dams and canals may come loudest from those coastal communities most affected by the water shortage. If this is the case, the political fallout from the drought will be significant indeed, and will be felt long after the rains fall and the rivers run to their normal levels.

## California CAPSULES

**General agreement on plan to build the peripheral canal**

Governor Brown and Ronald Robie, state director of water resources, announced on June 16th that a compromise plan to build $3.5 billion worth of water projects — including the controversial Peripheral Canal around the Sacramento-San Joaquin Delta — had been accepted by agricultural, labor and environmental groups. A bill, SB346 by Senator Ruben Ayala, authorizing the projects with joint state-federal financing immediately started moving through the Legislature.

Robie said the bill contains a "major accommodation" to delta interests. "The bill assures that no construction will occur until we have guarantees from the federal government and the state that the delta will be protected." His remarks did not satisfy Contra Costa County water officials, who will continue to oppose construction of the canal. And Billy Martin, regional director of the federal Bureau of Reclamation, predicted that the $3.5 billion program would fall short of meeting California water needs by the year 2000.

**Governor's office issues draft proposal to limit urban sprawl**

The Governor's Office of Planning and Research unveiled a draft plan for California's first land-use and urban-development strategy. The plan urges consideration of the use of taxation to reduce urban sprawl, including the sharing of property tax and sales tax revenues by cities and counties within metropolitan areas. It would also require that the state direct funds away from growth-generating services. Hearings on the draft will be conducted throughout the state this summer.

**Supreme Court rules that stillborn child is not a 'person'**

In a unanimous decision, the state Supreme Court ruled that the parents of a stillborn fetus may not sue an attending physician for the wrongful death of their unborn infant. In a unanimous decision, the court also ruled that the father of a stillborn child cannot sue for the shock he allegedly experienced when he learned of the death. Wrote Justice Stanley Mosk: "It is our view that a fetus is not a 'person' within the meaning of the wrongful death statute until there has been a live birth." The cases are *Justus v. Atchison* and *Powell v. Atchison*.

**Democrat Roos wins Assembly seat over GOP's Smith**

Democrat Mike Roos, 31, former executive director of the Coro Foundation, defeated Republican Daniel Smith in a June 21st runoff election for the 46th Assembly District seat vacated by Democrat Charles Warren, now chairman of the federal Council on Environmental Quality. The vote: Roos, 15,304 or 63 percent; Smith, 9,004 or 37 percent. Smith 28, a Black bank executive, had finished fourth in a May 24th special election behind Roos and two other Democrats. Roos, former deputy to Los Angeles City Councilman Marvin Braude, spent more than $150,000 in the two elections. Roos' victory brought the Democratic advantage in the Assembly to 56-23.

On May 31st, voters in the 44th Assembly district of Los Angeles County placed two attorneys, Democrat Mel Levine and Republican Dana Reed, in a June 28th runoff. The heavily Democratic district was previously represented by Democratic state Senator Alan Sieroty. Levine, Democratic establishment candidate, won a tight race with consumer advocate Ruth Goldway Yannatta, who was backed by the Tom Hayden organization. Results: Levine, 14,472; Yannatta, 12,778; Nathaniel Trives, 6,696; Reed, 5,393; Clo Hoover, 5,138; Hilary Goldstone, 2,030; J. Ray Gallagher, 339; Robert Barsky, 316; Carl Roy Dahlin, 292; Alan Gershman, 248; Lawrence Kellam, 193; Ray Hatler, 129, and John Durst, 61. Hoover and Reed are Republicans, Kellam an Independent. The rest are Democrats.



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# The GOP battle plan to capture the state Senate

*By ED SALZMAN*

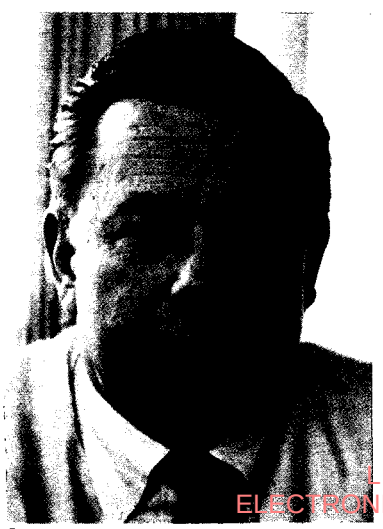
Scattered throughout California, there are perhaps half a dozen Republicans without the slightest intention of running for office next year — yet they hold the key to a GOP plan to avoid a reapportionment debacle in 1981. Within a few months, these men (and perhaps women) will be lured into running for the state Senate next year. They will be up against long odds but running with expert campaign management and oodles of Republican money to spend attacking Democratic incumbents.

In order to avoid an all-Democratic apportionment of the Legislature and the state's congressional districts following the 1980 census, the GOP must beat Jerry Brown next year or win control over one house of the Legislature in 1980. The chances of winning the governorship do not look good for the GOP. And it would take a ballot-box miracle to win a majority in the Assembly, where Republicans now hold only 23 of the 80 seats and some of them are not too secure.

So the Republicans will be concentrating on the state Senate, where the Democrats hold a healthy 26-14 advantage. The big push must come in the 1978 election because the Democrats now hold 17 of the 20 seats that will be contested. If the GOP fails to make significant gains next year, chances of winning 20 or 21 seats for the redistricting year will be virtually impossible, because the Democrats will be defending only nine districts in 1980.

### Peaking too early

Back in the 1960s the Republicans adopted a Cal Plan program, designed to wrest control of the Legislature away from the Democrats in time for the reapportionment of 1971. As a famous Republican might have said, the GOP peaked too early, taking marginal control of the Legislature in 1969 — then losing it for the crucial census year. Because Ronald Reagan was governor, however, the Democrats were unable to do as they pleased, and the impasse led to the imposition of a redistricting plan by the state Supreme Court.



In essence, the Cal Plan is back. Only this time it is limited to the Upper House through the Senate Republican Caucus' Political Action Committee (PAC), which has hired top GOP campaign strategist Stuart Spencer to run the campaign. Spencer has run campaigns for both Ronald Reagan and Gerald Ford and played a key role in the Republican progress during the Cal Plan era.

Spencer recognizes that the Democrats are not as vulnerable as the 17-3 breakdown for 1978 might indicate. Not a single Democratic incumbent will be easy pickings. That's why Spencer will personally travel around the state trying to find "truly exceptional" candidates — "the best we can find for a change, people who aren't even thinking about running." It is no secret that the caliber of candidates fielded by Republicans in recent legislative elections has been a major contributing factor to Democratic successes.

### Providing mother's milk

The first step will be for PAC to raise a boatload of money so that candidates can be shown that they will not have to worry about the mother's milk of politics (or professional management, which will be provided by Spencer). The Spencer organization is now conducting research on Democratic incumbents — their voting records, how much constituent homework they have done, what demographic changes have been occurring in their districts.

Spencer emphasizes that he will abandon the traditional method of selecting target districts because the old-fashioned methods based primarily on statistics don't always work. He wants to follow the Democratic example of 1976 by tackling incumbents in areas that have been considered rock-solid for the opposition. This means that some Democratic senators who may be sitting back smugly, expecting a soft reelection run next year, will find themselves fighting for their political lives. But these threats can be mounted only if Spencer succeeds in locating what he calls "class candidates" with the unique appeal that will generate sufficient support to overcome large Democratic registration advantages.

At this point at least, the Democrats do not seem especially concerned about the PAC effort. One of the reasons is the fact that one of the three holdover GOP seats could go Democratic. In the second district, there is a chance that liberal Republican Peter Behr of Marin County will retire. In that event, Democratic Assemblyman Barry Keene would be a heavy favorite to succeed him. And even if Behr runs, he may well be challenged by a rough customer, former Senator Randolph Collier. (Spencer's responsibilities, incidentally, do not extend to the defense of incumbent Republicans. He's strictly a hit man.)



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## The early outlook

*Here is a district-by-district rundown of the 20 Senate seats that will be contested next year, the January registration in each district and an evaluation of the Republican chances to hold or pick up each seat:*

**District 2** *(56%D-34%R)* — If Behr retires, the Republicans can probably kiss the district good-bye. Keene will be almost impossible to defeat. A Behr-Collier contest would present a classic confrontation between an environmentalist (Behr) and a builder (Collier).

**District 4** *(60%D-33%R)* — Democrat John Dunlap might be one of the sleepers in the Republican game plan, but the odds would be mighty long in this Napa-Solano-Yolo-Sacramento area.

**District 6** *(65%D-28%R)* — Incumbent John F. Foran of San Francisco has led a charmed political life, and he should be good for four more years without much trouble.

**District 8** *(61%D-26%R)* — The Republicans would be wasting their time trying to defeat the veteran John Holmdahl, who seems to have cast a spell over the voters of Alameda County.

**District 10** *(53%D-38%R)* — This San Mateo-San a Clara district is one the Republicans ought to be able to win — in theory. The problem is that the Democratic incumbent, Arlen Gregorio, runs far ahead of registration and won last time by a 2-1 margin. Spencer will take a long look at this district. It will take a "truly exceptional" candidate to take Gregorio.

**District 12** *(53%D-38%R)* — Again, the numbers look appealing to the GOP. But this will not be a Republican target district because the Democratic incumbent, Jerry Smith will be impossible to unseat.

**District 14** *(65%D-30%R)* — Despite the overwhelming Democratic registration, this central valley district could be won by a Republican under ideal circumstances. But the incumbent, Democrat George Zenovich of Fresno, is so strong he didn't even have an opponent four years ago.

**District 16** *(56%D-38%R)* — The big question here is whether Democrat Walter Stiern of Bakersfield, who suffered a heart attack recently, will seek another term. Despite vigorous GOP efforts, Stiern has managed to come through previous contests unscathed. Republicans think the right opponent might beat him. If Stiern doesn't run, the favorite would be Republican Assemblyman William Thomas.

**District 18** *(53%D-38%R)* — Democratic Caucus Chairman Omer Rains now represents this volatile Santa Barbara-Ventura district, and Spencer will probably spend a great deal of time looking for the right candidate to bring the seat back to the GOP. Rains won handily four years ago, however.

**District 20** *(62%D-31%R)* — Democrat Alan Robbins was reelected by a wide margin in this San Fernando Valley district in 1974, but that was before he made many a Democratic enemy by running against Tom Bradley for mayor of Los Angeles. If Spencer can find the right candidate — a liberal Republican Jew in the Milton Marks mold, for example — Robbins could be in trouble.

**District 22** *(62%D-31%R)* — Democrat Alan Sieroty of Beverly Hills won this seat in a special election this year, and he will hold it in a breeze.

**District 24** *(72%D-20%R)* — Although Democrat Alex Garcia of Los Angeles is the kind of incumbent Spencer might like to target, the district is simply too tough for any Republican.

**District 26** *(68%D-26%R)* — Democrat Alfred Song of Monterey Park must worry more about a well-financed primary opponent than any potential Republican challenger.

**District 28** *(74%D-20%R)* — Veteran Democrat Ralph Dills of Gardena came through a tough primary fight like a champion four years ago, and he could have an even easier time next year. The Dills name still has too much magic for a Republican to win this seat.

**District 30** *(74%D-20%R)* — This is another hopeless case for the GOP, but there has been a hint that the incumbent, Democrat Nate Holden of Los Angeles, may be challenged in the primary by Tom Hayden.

**District 32** *(60%D-34%R)* — This San Bernardino-based district is not as solidly Democratic as the statistics indicate. With the ideal candidate, Democrat Ruben Ayala might be tested. He won handily four years ago against light opposition.

**District 34** *(52%D-40%R)* — Former Riverside County Undersheriff Bob Presley won this marginal district by a whisker four years ago, unseating Republican Craig Biddle. The GOP could have a shot at this seat with a high-powered candidate like Assemblyman Jerry Lewis. But Lewis lost to Ayala in a special Senate election several years ago and would be risking his career with a shot at Presley, who has done a good job gardening his district.

**District 36** *(40%D-52%R)* — Republican Caucus Chairman Dennis Carpenter has the safest Republican district in the state.

**District 38** *(45%D-46%R)* — This could be the Democratic sleeper of the year. Republican John Stull won by a less-than-comfortable margin four years ago, and his San Diego-Imperial-Riverside constituency has become more Democratically inclined in recent years. But the Democrats will have to mount a perfect campaign to beat Stull, and that's not likely to happen.

**District 40** *(57%D-35%R)* — Four years ago, the Republicans couldn't even match their registration in the campaign against Senate President pro Tempore James Mills of San Diego. The GOP may do better this time, but even a Spencer-run campaign probably won't make the race a cliff-hanger.

**SUMMARY:** The Republicans will probably concentrate their initial candidate search in numerically marginal districts in an effort to beat incumbents like Gregorio, Stiern, Rains and Presley. Then they will target some sleepers, with Robbins and Ayala among the possibilities.

## Greene's unreported green

The state Fair Political Practices Commission charged state Senator **Bill Greene** of Los Angeles with 30 counts of failing to report campaign contributions and expenditures. Greene said the accusations result from "incorrect paperwork" on the part of his campaign organization.

**Ralph N. Kleps,** administrative director of the California court system since 1961, resigned abruptly May 31st and Chief Justice **Rose Elizabeth Bird** issued a statement indicating that Kleps intended to retire on July 1st.

Governor Brown named state Resources Secretary **Claire T. Dedrick** to the state Public Utilities Commission, succeeding Leonard Ross, who had joined the Carter Administration. Dedrick was replaced by **Huey D. Johnson,** 44, of Mill Valley, founder and president of the Trust for Public Land.

Governor Brown filled three vacancies on the University of California Regents with **John F. Henning,** executive secretary-treasurer of the California Labor Federation AFL-CIO; **Stanley K. Sheinbaum,** an economist and chairman of the American Civil Liberties Union Foundation of Southern California, and **Yorodita Wada,** director for the Buchanan YMCA in San Francisco.



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# Politics of the pocketbook

How much longer can the era of relatively good feeling last between Governor Brown and the Assembly leadership? There is no open break yet, but signs of strain are starting to show over such issues as liquified natural gas and pay raises for public officials. For the first time, Assembly Speaker Leo T. McCarthy has come out swinging against the Governor, accusing Brown of "shooting from the hip" on LNG (Brown had criticized lawmakers for "footdragging") and of "self-flagellation" by refusing a pay hike from $49,100 to $65,000 a year.

The Legislature entered the crunch period at the end of June with many major bills reaching maturity but few picked from the tree. Most of the major issues, it has been agreed, will not be resolved until after lawmakers return from their July vacation. Should the McCarthy-Brown rift intensify, it could mean trouble for the Governor in his attempt to win reelection next year. But McCarthy is a team player, and the outburst over LNG and pay raises does not indicate a permanent state of affairs.

The McCarthy-Brown conflict probably won't reach a critical stage over LNG or any of the complex issues before the Legislature; the danger area is salaries for the state elected officials. McCarthy's lieutenant, Assemblyman Louis Papan, is the author of a bill which would raise legislator salaries from $23,232 to $25,555, starting with the 1979-80 session. At the same time, lawmakers are trying to provide salary hikes for statewide elected officials. The Governor had promised to veto his own pay raise, a stand that would obviously be popular with the voters but might embarrass lawmakers. Brown might even veto the lawmakers' pay raise, and that would be a declaration of war.

As usual, the Legislature missed the constitutional deadline of June 15th for passage of the budget, even though it contained relatively few controversial issues. One of them was control language on University of California expenditures. The two big fiscal issues, property tax relief and school funding, were still uncompromised. It appeared the Legislature would abolish taxation of business inventories, a tribute to many years of work by Les Howe of the California Retailers Association.

| Senate (26D, 14R) | SB 616 | SB 847 | SB 984 | SB 12 | SB 154 | SCA 6 | SB 183 | SB 188 | SB 363 | SB 220 | SB 7 | SB 804 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Alquist (D) | *N | Y | N | Y | Y | Y | Y | Y | N | Y | Y | Y |
| Ayala (D) | N | N | Y | Y | Y | Y | N | * | Y | Y | * | Y |
| Behr (R) | N | Y | Y | Y | N | N | * | N | Y | Y | * | Y |
| Beverly (R) | Y | N | Y | Y | * | Y | N | Y | Y | Y | Y | Y |
| Briggs (R) | *N | Y | Y | * | N | Y | * | * | * | N | * | * |
| Campbell (R) | Y | N | Y | Y | Y | N | * | N | Y | N | Y | Y |
| Carpenter, D. (R) | Y | Y | N | N | N | Y | N | N | N | N | Y | Y |
| Carpenter, P. (D) | N | Y | * | Y | Y | Y | N | Y | Y | Y | Y | Y |
| Cusanovich (R) | Y | N | * | * | Y | Y | N | * | N | * | N | * |
| Deukmejian (R) | Y | N | Y | Y | Y | N | Y | * | Y | * | Y | Y |
| Dills (D) | N | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Dunlap (D) | N | Y | Y | N | N | N | Y | Y | Y | Y | Y | Y |
| Foran (D) | N | Y | N | Y | Y | Y | N | Y | Y | Y | Y | Y |
| Garamendi (D) | N | Y | N | Y | N | Y | N | Y | Y | Y | Y | Y |
| Garcia (D) | N | N | Y | * | Y | Y | * | * | Y | Y | N | * |
| Greene (D) | N | N | Y | * | Y | * | Y | Y | * | N | Y | Y |
| Gregorio (D) | N | N | Y | Y | N | Y | Y | Y | Y | Y | N | N |
| Holden (D) | N | Y | * | Y | Y | * | N | * | Y | Y | Y | Y |
| Holmdahl (D) | N | N | N | Y | N | Y | Y | Y | Y | Y | Y | Y |
| Johnson (R) | Y | N | * | Y | N | Y | Y | * | N | Y | * | * |
| Marks (R) | N | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | N |
| Mills (D) | * | * | Y | Y | Y | Y | * | Y | Y | Y | Y | Y |
| Nejedly (R) | N | N | N | Y | Y | Y | Y | Y | Y | Y | * | Y |
| Nimmo (R) | Y | N | Y | Y | N | Y | Y | Y | * | N | N | N |
| Petris (D) | N | Y | N | N | * | N | Y | Y | Y | N | * | Y |
| Presley (D) | * | N | Y | Y | * | N | Y | N | Y | Y | N | Y |
| Rains (D) | * | N | Y | Y | * | N | Y | Y | Y | Y | Y | Y |
| Richardson (R) | Y | N | N | N | N | Y | Y | Y | * | * | N | N |
| Robbins (D) | N | * | Y | * | N | Y | * | N | Y | * | Y | Y |
| Roberti (D) | N | N | N | N | Y | N | * | N | Y | Y | Y | Y |
| Rodda (D) | N | Y | N | Y | Y | Y | Y | Y | N | Y | Y | Y |
| Russell (R) | Y | Y | N | N | N | Y | N | N | * | N | N | N |
| Sieroty (D) | N | Y | Y | * | Y | N | N | N | Y | Y | Y | Y |
| Smith (D) | N | Y | N | Y | Y | N | N | N | Y | Y | Y | Y |
| Song (D) | N | N | Y | N | N | Y | N | Y | N | * | Y | N |
| Stiern (D) | * | * | N | Y | Y | Y | Y | Y | Y | * | Y | * |
| Stull (R) | Y | N | N | Y | Y | Y | N | Y | N | N | N | N |
| Vuich (D) | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | N | Y |
| Wilson (D) | N | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Zenovich (D) | Y | N | Y | * | N | Y | * | * | N | * | * | * |

## VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-June. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

**Y - Yes**
**N - No**
*** — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

**Assembly:** 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

**Senate:** 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

## Senate

### EMPLOYMENT

**SB 616** (Johnson) — Places farm-labor contractors, rather than growers using contract labor, under the Agricultural Labor Relations Act. Failed, 12 - 22.

**SB 847** (Dunlap) — Limits veterans' preference in civil service to those who entered military service before 1975, and ends preference eight years after discharge. Failed, 13 - 24.

**SB 984** (Wilson) — Permits police officers and firefighters to retire at 45 with 10 years of service. Passed, 23 - 15.

### TAXATION

**SB 12** (Smith) — Grants $750 million in property tax relief to homeowners and renters. Passed, 27 - 8.

**SB 154** (Petris) — Grants $1.1 billion in property tax relief to homeowners and renters, and increases state income taxes for some Californians. Passed, 21 - 13.

**SCA 6** (Smith) — Proposed constitutional amendment giving homeowners lower property tax rates than owners of other types of property. Adopted, 27 - 12.

### MISCELLANEOUS

**SB 183** (Nejedly) — Streamlines land-use permit process for those seeking to construct projects. Passed, 27 - 5.

**SB 188** (Holmdahl) — Permits sale of cars in California which meet federal emission standards rather than the more stringent state standards. Passed, 21 - 15.



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**SB 363** (Gregorio) — Reorganizes the state Department of Health by breaking it into five pieces. Passed, 25-6.

**SB 220** (Marks) — Makes first-degree murder punishable by life imprisonment without possibility of parole, but retains death-penalty for life-sentence inmates who commit murder. Passed, 22-9.

**SB 7** (Holden) — Prohibits financial institutions from engaging in "redlining" practices in the issuance of loans. Passed, 28-10.

**SB 804** (Dunlap) — Requires governmental agencies, including the University of California, to vote each proxy on common stock owned by the agency. Passed, 25-8.

## Assembly

### BUSINESS AND CONSUMER AFFAIRS

**AB 599** (Fazio) — Requires that public boradcasting stations hold public board meetings. Passed, 45-28.

**AB 1222** (Vasconcellos) — Prohibits smoking in food markets. Passed, 42-31.

**ACA 55** (Papan) — Proposed constitutional amendment lowering the legal drinking age to 19. Failed, 45-28 (54 votes required).

**SB 374** (Alquist) — Allows cities and counties to ban the sale of fireworks. Failed, 27-37.

### EDUCATION

**AB 843** (Antonovich) — Allows schools to provide for one minute of silence each day for optional silent prayer. Passed, 42-29.

**AB 1366** (Duffy) — Requires every individual graduating as a physician from the University of California, starting in 1982, to repay over a 10-year period the cost of the medical education, plus interest. Passed, 31-10.

### ELECTIONS AND POLITICAL REFORM

**AB 329** (William Thomas) — Requires that minor-party candidates be listed on the ballot with the names of the parties they represent (instead of "independent"). Failed, 30-46.

**ACR 27** (Kapiloff) — Limits each legislator to the introduction of 25 bills a year. Failed, 36-36.

### EMPLOYMENT

**AB 1047** (Alatorre) — Prohibits nonprofit clubs and associations from practicing employment discrimination. Passed, 48-20.

**AB 1197** (Dannemeyer) — Prohibits payment of wages in cash and requires that wages be paid by direct deposit to bank, savings-and-loan or credit-union account. Failed, 16-52.

### MISCELLANEOUS

**AB 724** (Seroty) — Increases fines for smog violations. Passed, 46-21.

**AB 1265** (Dannemeyer) — Expands conditions under which local governmental agencies may hold secret meetings to discuss personnel matters. Passed, 41-33.

| Assembly (56D, 23R) | AB 599 AB 1222 ACA 55 SB 374 | AB 843 AB 1366 AB 329 ACR 27 | AB 1047 AB 1197 AB 724 AB 1265 | | AB 599 AB 1222 ACA 55 SB 374 | AB 843 AB 1366 AB 329 ACR 27 | AB 1047 AB 1197 AB 724 AB 1265 |
|---|---|---|---|---|---|---|---|
| Agnos (D) | YYYN | NYNN | YYYN | Keysor (D) | YYY* | YYNN | *NYY |
| Alatorre (D) | YYYN | Y*YY | Y**N | Knox (D) | Y*YN | NYNN | YNYN |
| Antonovich (R) | YNNY | YYYN | NYNY | Lancaster (R) | NN*N | **Y* | ***Y |
| Arnett (R) | NNY* | YYY* | NNN* | Lanterman (R) | NNN* | YNYN | N*NY |
| Bane (D) | NYNY | NYNY | Y**Y | Lehman (D) | YNNN | NYNY | YNYN |
| Bannai (R) | NNYY | YYYY | N**Y | Lewis (R) | NYN* | YYYY | NYYY |
| Bates (D) | YYYY | NYNN | YNYN | Lockyer (D) | YYYY | NYNN | YYYN |
| Berman (D) | YYY* | NYNN | YYYN | Maddy (R) | NNYN | YYYN | NN*N |
| Boatwright (D) | YYNN | YNNN | YNNY | Mangers (D) | YNNY | NYYY | YNYN |
| Brown (D) | Y*Y* | NYYN | Y*Y* | McAlister (D) | YYNY | YNNN | NNNY |
| Calvo (D) | YYYY | NNNY | YNYN | McCarthy (D) | YYY* | NYN* | YNYN |
| Chacon (D) | YYNN | YYN* | YN*Y | McVittie (D) | YYYY | YYNN | YNYY |
| Chappie (R) | NNNN | YYYY | N*NY | Mello (D) | YYYY | **NY | YNNN |
| Chel (D) | NNYN | NNYY | YNYY | Miller (D) | *YYN | **NN | YNYN |
| Chimbole (D) | NYNN | YYNY | YYNY | Montoya (D) | Y*Y* | YYNY | YNY* |
| Cline (R) | NNYN | YYYN | NNNY | Mori (D) | YYNY | YYYN | NNYN |
| Collier (R) | *YNY | YYYN | *YNY | Nestande (R) | NN*N | YYYN | YYYY |
| Cordova (D) | YY*Y | NYYY | NNYN | Papan (D) | NNYN | YNNN | YNNY |
| Craven (R) | NNNN | YYNY | *Y*Y | Perino (D) | NNNY | NYNY | *NNY |
| Cullen (D) | N**N | NYNN | Y*YY | Priolo (R) | NNYY | YYYY | *YNY |
| Dannemeyer (R) | YNNN | YYYY | NYYY | Robinson (D) | YNYN | *YNN | YNYN |
| Deddeh (D) | NNYY | YYNN | YNYY | Rosenthal (D) | YNY* | NYNN | YNYN |
| Dixon (D) | YNY* | NYNN | YNYN | Ryan (R) | NYYY | YNYY | YNYY |
| Duffy (R) | YYNN | YYYN | NYNY | Statham (R) | YNYN | YYYY | NNNY |
| Egeland (D) | YYNY | NYNY | YNYN | Stirling (R) | NYNY | YYYY | *YNY |
| Ellis (R) | NNNN | YYYY | NYNY | Suitt (D) | NY*N | YYNY | NNNY |
| Fazio (D) | YYYY | YYYN | YNYN | Thomas, V. (D) | NNYN | YYNN | YN*Y |
| Fenton (D) | YYYY | *YNY | YNYY | Thomas, W. (R) | NYYN | Y*YY | N**Y |
| Gage (D) | YYYY | NY*Y | YNYN | Thurman (D) | *NNN | YYNN | NNNY |
| Goggin (D) | YYYN | *YN* | YNYN | Torres (D) | YYYN | NYN* | YNYN |
| Greene (D) | NNNN | NYNN | *NYN | Tucker (D) | YNY* | N*NY | *NYN |
| Gualco (D) | **NY | *YNN | YNYY | Vasconcellos (D) | YYYY | NYYN | YNYN |
| Hallett (R) | NYNN | YYYY | NYNY | Vicencia (D) | YNYN | YYNY | YN*Y |
| Hart (D) | YYYY | NNNY | YNYN | Waters, M. (D) | YYNN | N*NN | Y**N |
| Hayden (R) | YYNY | YYYY | NNYN | Waters, N. (D) | YNYY | YYNY | YNYY |
| Hughes (D) | *NYN | NY*N | YNYN | Wornum (D) | YYY* | YNNY | YNYN |
| Imbrecht (R) | NYYN | YNYY | YNYY | Wray (D) | YYN* | YYNN | YNY* |
| Ingalls (D) | NYY* | NYNN | *NYY | Young (D) | YNNN | YYNY | YYYN |
| Kapiloff (D) | YYYN | NYNY | YNYN | | | | |
| Keene (D) | YYYN | NYNY | YNNY | | | | |


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# The Political Double-Cross

by Alisa Belinkoff

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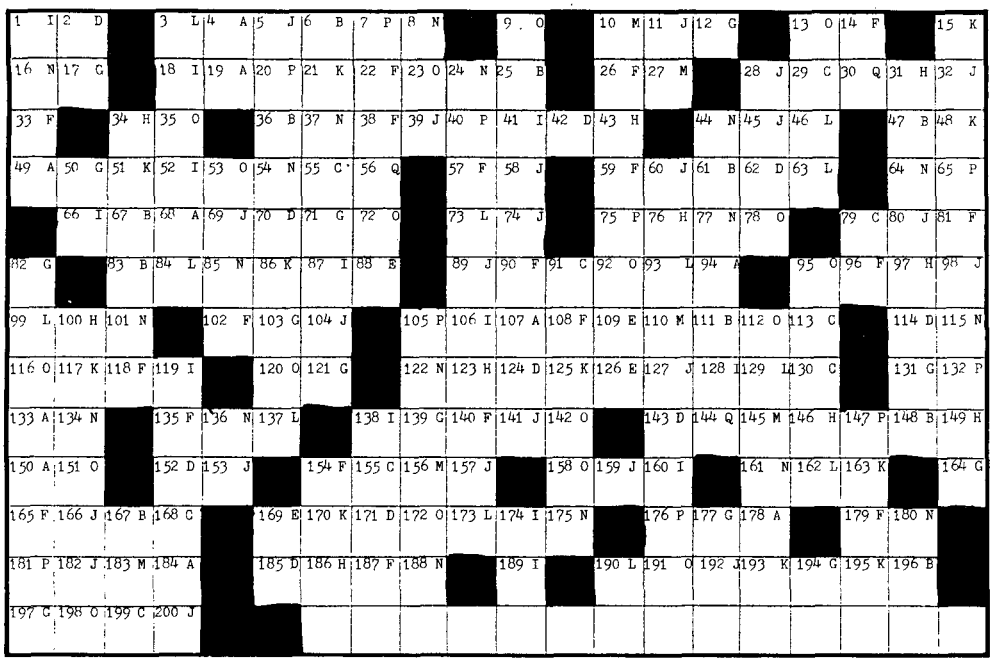

**Instructions:** Although this looks like a crossword puzzle, the words read only across, not up and down. The completed diagram spells out a quote about politics in California. Fill in the answers to the clues and transfer the letters to the corresponding spaces in the diagram. You may also work backwards, guessing at words in the diagram and transferring the letters to the clue spaces. The first letters of the clue answers, taken in order, spell out the title and author of the book from which the quote is taken. Most of the clues refer to the California political scene.

## CLUES

A. Reagan's fattest cats: ____ & ____.
184 133 49 178
68 4 150 94 19 107

B. With "E" — Right-wing response to Supreme Court confirmation.
25 196 148 67 61 111
6 83 167 36 47

C. What Jerry sleeps on.
155 91 55 113
79 199 29 168 130

D. Latest source of Federal construction funds.
2 70 143
124 152 62 42 114 185 171

E. See "B" above.
169 109 126 88

F. Did Roberti quash a ____ ____ ____ ____ 46th A.D. and municipal elections?
90 187 154 26 96
59 140 14
108 57 38 81 135
165 33 118 102 179 22

G. With "M": Drought slogan — "If it's yellow, then it's mellow; if . . ."
194 131 82
139 71 121 197 17
164 50 177 12 103

H. Look to Kenny and March.
43 31 34 123
76 149 186 100 & 146 97

I. Designation for Leroy Greene.
119 128 41 18 189 106
66 1 52 174 138 87 160

J. Brown's most "hip" appointment yet.
89 200 32 153 5
58 192 45 69
159 182 39 74 11 127
157 80 104
166 60 141 28 98

K. What money is to politics.
86 125 195 48 163 170 15
21 51 193 117

L. Fiery labor leader (last name first).
73 129 99 46 173 84 93
162 3 63 190 137

M. See "G" above.
183 145 110 27 10 156

N. Lobbyist's battle fatigue.
175 122 44 64 54 115
16 188 136
8 101 161 85 37
24 180 134 77

O. U.C. feature.
13 78 120 151 95 112 198
142 9 35 23 158 116
53 92 172 72 191

P. CED analysis: big corporations ____ ____ people.
176 65 105 147 20 7 181
75 132 40

Q. Hayakawa habit.
56 144 30

**Double-cross solution:** A. **D**art Tuttle; B. **E**Y gave us the; C. **A** mattress; D. **N**ew PWEA two; E. **B**ird; F. **L**aw to consolidate the; G. **I**t's brown, flush; H. **N**ote Hahn, Eu; I. **D**em — Carmichael; J. **A** pregnant lady at the court; K. **M**other's milk; L. **B**ridges Harry; M. **I**t down; N. **T**rauma at a tête à tête; O. International House; P. **O**ppress the; Q. **N**ap.

From *Blind Ambition* by John Dean, pp. 128-29: "In August I was in San Clemente to report to Haldeman and Ehrlichman on cover-up matters. By then this seemed almost routine. The President talked to reporters that day about Watergate. 'We want all the facts brought out,' he said. What a reality warp."



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By Lou Cannon

## Goodbye and hello again

This is a personal column. It is written with the certain sadness that attends leavetakings and is the last column I shall write for *California Journal* from Washington, where I have been based the past seven and one-half years. These were the concluding years of the most damaging and divisive war in the history of the United States. They were the years when our national profligacy was confronted by the realities of scarcity and deficit. They were the Nixon years, and a time of testing for our consitutional system.

For any reporter this was a challenging and rewarding time to work in Washington. I had the good fortune to come here as a member of the Washington bureau of Ridder Publications, then a three-man bureau serving newspapers in eight cities. It was an ideal training ground for a Washington reporter, largely because Walter T. Ridder created a civilized environment in which reporters were free to develop their professional skills and to follow their journalistic inclinations. With Walter's encouragement, I went to Vietnam and Laos with Representative Pete McCloskey and wrote a book about McCloskey's ill-fated but prescient challenge to Richard Nixon. (McCloskey and Representative John Ashbrook, also challenging Nixon, were criticized by their own supporters for saying that the President was "immoral." Let those who celebrate the virtues of the political center bear witness to the need for principled politicians of the left and right.) I joined the national staff of *The Washington Post* in 1972, which meant the privilege of working with David S. Broder and many other fine people. After he won the Pulitzer Prize for distinguished commentary in 1973, Broder said: "I think this is a time when people will look back and say what they said about *The New York World* of the 1920s — that to have been a reporter on *The Washington Post* at this time was the best thing that could have happened to a newspaperman. It's a hell of an exciting place to work."

* * *

For me, as for most of us, the most exciting story was the fall from grace, and then from power, of Nixon. I had nothing to do with exposing the crimes of Watergate but much to do with exploring the attitude that led to the crimes. On July 29, 1973, I quoted a Nixon aide as saying: "There was a sense in which White House people were cut off from other institutions, institutions which enable you to cushion differences. These institutions were Congress, the press, the Republican Party and Washington social life, by which I mean not high society but the society of Washingtonians. This had profound effects on the mentality and outlook of the administration. If you see a liberal senator once a week over a drink, it's going to be difficult to regard him as the incarnation of evil. But they formed their opinions from speeches or from stories they read in the newspapers and, for the most part, they never learned the nuances. Not knowing Washington, they never became a part of it. They worked 14 hours a day and talked only to themselves and their families. What they did became a self-fullfilling prophecy.'

As I write this column, the news is that H.R. Haldeman and John Mitchell have lost their last appeals and are going to prison. Suspicious, cynical Mitchell, who in 1970 proclaimed Nixon "probably the most informed President there's ever been." Those who were not informed, Mitchell told the *Los Angeles Times*, were the "stupid kids" and "these stupid bastards who are running our educational institutions . . ." Unsmiling, composed Haldeman, acting like a parody of the press caricatures of Nixon's tight-lipped gatekeeper. The same day that *The Post* told of Haldeman's and Mitchell's sentencing, it reported in an adjoining column that the Supreme Court had set aside a murder conviction in Louisiana of a 19-year-old who had killed a policeman in a shootout. The Louisiana law, said the court, was defective because it did now allow for mitigating circumstances in any murder of a law enforcement officer. The murderer, poor and Black, will have a new trial. The once-powerful presidential aides would go to jail. The system is working. Nixon, coming after Lyndon Johnson, may have destroyed the lingering presumption of presidential goodness. But he demonstrated, in a way he never intended, that the system really works.

* * *

It works in the Congress, too. A column I wrote for *California Journal* in 1970 described the myriad frustrations experienced by California congressmen as they bumped up against the walls of House tradition. Representative Jerome Waldie was at the time considered a model of exceptional daring, not to mention foolhardiness, because he introduced a no-confidence motion against aging House Speaker John McCormack. Representative Thomas Rees complained that the congressional system "treats men in their mid-forties as if they are in diapers." Waldie and Rees are gone from the House now, along with most of the senior congressmen they battled in those days. But Congress is a better place for their successors after a series of reforms that have curbed the authority (and sometimes tyranny) of committee chairmen. President Carter, says Representative John Brademas of Indiana, has learned that the congressional leaders are not employees of the White House. And the House leaders have learned that the individual members of the Congress are not their employees, either.

The Washington Perspective column started out as a "letter from Washington," first an actual personal letter to my friend Jud Clark of California Research Consultants and then a column of that name. It evolved into its present form over the years with the considerate guidance of Thomas Hoeber and Ed Salzman. In an early column of February 26, 1970, I reflected on the provinciality of Californians in Washington who were convinced of the superiority of their way of life back home. These convictions have been shaken by events, and the way of life has changed. "You are going back to California just when the water has run out," say my friends in Washington. Or just in time for The Great Earthquake. Or in time to see that expectations of the good life are going, going, gone.

There is much to all of this, I suppose, and yet it can be said with equal accuracy that the changes and the reduced expectations have recreated the challenge which brought our forefathers to California in the first place. Before California was the land of milk and honey, it was the frontier. Now it is the frontier again, at least in the sense that the state's difficulties typify the problems and opportunities facing the nation. As they say in television, only time will tell how the Carter folks measure up to these challenges. I'll miss covering them, but not too much. For me, the sadness which I feel at leaving Washington is diminished by the recognition that I'm coming home.

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*Lou Cannon is now* The Washington Post's *western-states correspondent based in Los Angeles. Starting next month, this column will be written by Leo Rennert of the McClatchy Newspapers.*



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